

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 52]

नई दिल्ली, शनिवार, विसम्बर 30, 1995/पौष 9, 1917

No. 52]

NEW DELHI, SATURDAY, DECEMBER 30, 1995/PAUSA 9, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

गृह मंत्रालय
(पुनर्वास प्रभाग)

नई दिल्ली, 21 नवम्बर, 1995

2. इसके द्वारा दिनांक 15-11-94 की अधिसूचना
संख्या 1(6)/93-बन्दोबस्त(क) का अधिक्रमण किया जाता है।
[संख्या 1(6)/93-बन्दोबस्त(क)]
आर.एस. आहुजा, अवसर सचिव

MINISTRY OF HOME AFFAIRS
(Rehabilitation Division)

New Delhi, the 21st November, 1995

का.आ. 3347.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (अधिनियम 1954 की संख्या 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा राष्ट्रीय राजधानी क्षेत्र, दिल्ली सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री धर्मपाल को संयुक्त सचिव के रूप में अपने स्वयं के दायित्वों, के अतिरिक्त राष्ट्रीय राजधानी क्षेत्र दिल्ली में स्थित निष्क्रान्त शहरी एवं ग्रामीण सम्पत्तियों तथा भूमियों के प्रबन्ध और निपटान के संबंध में, उक्त अधिनियम के द्वारा अथवा उसके अधीन उप मुख्य बन्दोबस्त आयुक्त के रूप में उन्हें सौंपे गये कार्यों के निष्पादन के उद्देश्य से उप मुख्य बन्दोबस्त आयुक्त नियुक्त करती है।

S.O. 3347.—In exercise of powers conferred by Sub-section (1) of Section 3 of the Displaced persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), the Central Government hereby appoints Shri Dharampal, Joint Secretary in the Land and Building Department, Government of National Capital Territory of Delhi, as Deputy Chief Settlement Commissioner for the purposes of performing, in addition to his own duties as Joint Secretary, the functions assigned to him as a Deputy Chief Settlement Commissioner by or under the aforesaid Act, in respect of the management and disposal of evacuee urban and rural properties and lands situated in the National Capital Territory of Delhi.

2. This supersedes Notification No. 1(6)/93-Settlement (A) dated 15-11-1994.

[No. 1(6)/93-Settlement(A)]
R. S. AHUJA, Under Secy.

नई दिल्ली, 21 नवम्बर, 1995

का.आ. 3348.—निष्क्रान्त सम्पत्ति प्रबन्ध अधिनियम, 1950 (1950 का अधिनियम सं. 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा राष्ट्रीय राजधानी क्षेत्र दिल्ली की सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री धर्मपाल को संयुक्त सचिव के रूप में अपने दायित्वों के अतिरिक्त राष्ट्रीय राजधानी क्षेत्र दिल्ली में स्थित निष्क्रान्त शहरी तथा ग्रामीण सम्पत्तियों तथा भूमि के प्रबन्ध एवं निपटान के संबंध में उक्त अधिनियम के द्वारा अथवा उसके अधीन सहायक महाभिरक्षक के रूप में उन्हें सौंपे गये कार्यों के निष्पादन के उद्देश्य में उन्हें सहायक महाभिरक्षक नियुक्त करती है।

2. इसके द्वारा दिनांक 15-11-94 की अधिसूचना सं. 1(6)/93-बन्दोबस्त(ग) का अधिक्रमण किया जाता है।

[सं. 1(6)/93-बन्दोबस्त(ग)]

आर.एस. आहुजा, अवर सचिव

New Delhi, the 21st November, 1995

S.O. 3348.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), the Central Government hereby appoints Shri Dharampal, Joint Secretary in the Land and Building Department, Government of National Capital Territory of Delhi as Assistant Custodian General for the purpose of performing, in addition to his own duties as Joint Secretary, the functions assigned to him as Assistant Custodian General by or under the aforesaid Act, in respect of management and disposal of evacuee urban and rural properties and land situated in the National Capital Territory of Delhi.

2. This supersedes notification No. 1(6)/93-Sett.(C) dated 15-11-1994.

[No. 1(6)/93-Settlement(C)]

R. S. AHUJA, Under Secy.

नई दिल्ली, 27 नवम्बर, 1995

का.आ. 3349.—निष्क्रान्त संपत्ति प्रबन्ध अधिनियम, 1950 (1950 का अधिनियम सं. 31) की धारा 55 की उप धारा 3 द्वारा मुख्य महाभिरक्षक के रूप में प्रदत्त शक्तियों का प्रयोग करते हुए, मैं उपेन्द्र कुमार सिन्हा, महाभिरक्षक एतद्वारा अधिसूचना संख्या 1(6)/93-बन्दोबस्त(ग) दि. 21-11-95 द्वारा सहायक महाभिरक्षक के रूप में नियुक्त राष्ट्रीय राजधानी क्षेत्र दिल्ली की सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री धर्मपाल को महाभिरक्षक की निम्नलिखित शक्तियां सौंपता हूँ:—

1. उक्त अधिनियम की धारा 24 के अन्तर्गत अपील सुनने की शक्तियां।

2. अधिनियम की धारा 27 के अन्तर्गत संशोधन की शक्तियां।

3. अधिनियम की धारा 10(2)(0) के अन्तर्गत किसी निष्क्रान्त संपत्ति के हस्तांतरण के अनुमोदन की शक्तियां।

4. निष्क्रान्त संपत्ति प्रबन्ध अधिनियम (केन्द्रीय) नियम, 1950 के नियम 30-ए के अन्तर्गत मामलों के हस्तांतरण की शक्तियां।

2. इसके द्वारा दिनांक 15-11-94 की अधिसूचना सं. 1(6)/93-बन्दोबस्त(घ) का अधिक्रमण किया जाता है।

[सं. 1(6)/93-बन्दोबस्त(घ)]

उपेन्द्र कुमार सिन्हा, महाभिरक्षक

New Delhi, the 27th November, 1995

S.O. 3349.—In exercise of the powers conferred on me as Custodian General by Sub-Section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (Act No. 31 of 1950), I, U. K. Sinha, Custodian General, hereby delegate to Shri Dharampal, Joint Secretary in the Land and Building Department, Government of National Capital Territory of Delhi appointed as Assistant Custodian General vide Notification No. 1(6)/93-Settlement(C), dated the 21st November, 95 the following powers of the Custodian General :—

(i) Powers under Section 24 of the said Act to hear appeals ;

(ii) Powers of revision under Section 27 of the said Act;

(iii) Power of approval of transfer of any evacuee property under Section 10(2)(O) of the Act;

(iv) Power of transfer of cases under Rule 30-A of Administration of Evacuee Property Act, (Central) Rules, 1950.

2. This supersedes notification No. 1(6)/93-Sett.(D) dated 15-11-94.

[No. 1(6)/93-Settlement(D)]

U. K. SINHA, Custodian General

नई दिल्ली, 27 नवम्बर, 1995

का.आ. 3350.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं, उपेन्द्र कुमार सिन्हा, मुख्य बन्दोबस्त आयुक्त एतद्वारा अधिसूचना सं. 1(6)/93-बन्दोबस्त(क) दि. 21-11-95 के तहत उप मुख्य बन्दोबस्त आयुक्त के रूप में नियुक्त राष्ट्रीय राजधानी क्षेत्र दिल्ली की सरकार के भूमि एवं भवन विभाग में संयुक्त सचिव श्री धर्मपाल को मुख्य बन्दोबस्त आयुक्त की निम्नलिखित शक्तियां सौंपता हूँ:—

(1) उक्त अधिनियम की धारा 23 के अन्तर्गत अपील सुनने की शक्तियां।

(2) उक्त अधिनियम की धारा 24 के अन्तर्गत संशोधन सुनने की शक्तियां।

(3) उक्त अधिनियम की धारा 28 के अन्तर्गत मामलों के हस्तांतरण की शक्तियां।

2. इसके द्वारा दिनांक 15-11-94 की अधिसूचना संख्या 1(6)/93-बन्दोबस्त(ख) का अधिक्रमण किया जाता है।

[संख्या 1(6)/93-बन्दोबस्त(ख)]

उपेन्द्र कुमार सिन्हा, मुख्य बन्दोबस्त आयुक्त

New Delhi, the 27th November, 1995

S.O. 3350.—In exercise of powers conferred by Sub-section (2) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (Act No. 44 of 1954), I, U.K. Sinha, Chief Settlement Commissioner, hereby delegate to Shri Dharampal, Joint Secretary in the Land and Building Department, Government of National Capital Territory of Delhi, appointed as Deputy Chief Settlement Commissioner, vide Notification No. 1(6)/93-Settlement(A) dated the 21st November, 1995 the following powers of the Chief Settlement Commissioner :—

- (i) Powers to hear appeals under Section 28 of the said Act.
- (ii) Powers to hear revisions under Section 24 of the said Act.
- (iii) Powers to transfer cases under Section 28 of the said Act.

2. This supersedes notification No. 1(6)/93-Sett.(B) dated 15-11-94.

[No. 1(6)/93-Settlement(B)]

U. K. SINHA, Chief Settlement Commissioner

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 14 दिसम्बर, 1995

का.आ. 3351—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5, उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राजस्थान सरकार के गृह विभाग (समूह-5) के आदेश संख्या एफ. 14(2)/होम/बी/95 दिनांक 18-7-95 द्वारा दी गई सहमति से, भारतीय दण्ड संहिता 1860 (1860 का 45) की धारा 406, 409, 420, 471, 467 एवं 498 के अधीन याना परानी आबादी जिला श्री गंगानगर राजस्थान में पंजीकृत अपराध संख्या 74/90 के अन्वेषण के लिये या उन्हीं तथ्यों से उत्पन्न होने वाले वैसे संव्यवहार के अनुक्रम में किया गया या किये गये किसी अन्य अपराध के अन्वेषण के लिये दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण राजस्थान राज्य पर करती है।

[संख्या 228/45/95-ए.बी.डी.-II]

एस. सौंदर राजन, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 14th December, 1995

S.O. 3351.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act 1946 (25 of 1946), the Central Government with the consent of the State Government of Rajasthan accorded by vide Home (Gr. V) Department Order No. F 14(2)/Home/V/95 dated 18-7-95 hereby extends the Powers and Jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Rajasthan for investigation of the offences in F.I.R. No. 74/

90 Police Station Purani Abadi, Distt. Sriganganagar, Rajasthan u/s 46, 409, 420, 471, 467, & 468 of the Indian Penal Code 1860 (45 of 1860) or any other offence or offences committed in the course of the same transaction arising out of the said case.

[No. 228/45/95-AVD-II]

S. SOUNDAR RAJAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आयकर महानिदेशक (छूट) का कार्यालय

कलकत्ता, 1 नवम्बर, 1995

आयकर

का.आ. 3352—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (III) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थापन” के संवर्ग के अधीन अनुमोदित किया गया है :—

(1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, “न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंटरनेशनल सेंटर फोर अल्टरनेटिव डीस्प्यूट रेग्युलेशन, बी.जे.-66, शालीमार बाग, नयी दिल्ली।

यह अधिसूचना दिनांक 29-9-95 से 31-3-97 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) “संव” जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र को विभाग को प्रस्तुत करना है।

[संख्या 1466/एफ.सं. म.नि./आ.क. (छूट)/
एन.टी.-132/35(III)/95]

आर. सिंह, उप निदेशक

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE DIRECTOR GENERAL OF INCOME-TAX (EXEMPTIONS)

Calcutta, the 1st November, 1995

INCOME-TAX

S.O. 3352.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- The organisation will maintain separate books of accounts for its research activities;
- It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mohrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

International Centre for Alternative Dispute Resolution
BJ-66, Shalimar Bagh,
New Delhi.

This Notification is effective for the period from 29-9-1994 to 31-3-1997.

Notes :

- Condition (1) above will not apply to organisations categorised as associations.
- The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1466/F. No. DG/IT(E)/ND-132/35(1)(iii)]

R. SINGH, Dy. Director

कलकत्ता 2 नवम्बर, 1995

आयकर

का.आ. 3353—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है —

- (1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।
- (2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन "न्यू मेहरोली रोड, नई दिल्ली 110016 को भेजेगा, और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

दी सीमा कोटन डेवनपमेंट एण्ड रिमर्च एसोसिएशन,
"मनमूघा मनीराम"

पी.बी. नं. 3871, रैस कोर्स कोयम्बतूर-641018

यह अधिमूचना दिनांक 21-4-95 से 31-3-97 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र को विभाग को प्रस्तुत करना है।

[संख्या 1467/एफ.सं. म.नि./आ.क. (छूट)/
टी.एन./74/35(ii)/95]

आर. सिंह, उप निदेशक

Calcutta, the 2nd November, 1995

(INCOME TAX)

S.O. 3353.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

The Sima Cotton Development and Research Association,
P.B. No. 3871, Race Course,
Coimbatore-641018.

This Notification is effective for the period from 21-4-1995 to 31-3-1997.

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1467/F. No. DG/IT(E)/TN-74/35(1)(ii)/95]

R. SINGH, Dy. Director

कलकत्ता, 6 नवम्बर, 1995

आयकर

का.आ. 3354.—सर्वसाधारण को एनद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "विश्व विद्यालय" के संवर्ग के अधीन अनुमोदित किया गया है :—

(1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर, तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मंगलौर यूनीवर्सिटी, मंगला गंगोत्री-574199 कर्नाटक

यह अधिसूचना दिनांक 1-4-95 से 31-3-98 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनु-मोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1468/एफ.सं. म.नि./आ.क. (छूट)/के.टी. 25/
कल./35(1)(ii)/90]

आर. सिंह, उप निदेशक

Calcutta, the 6th November, 1995

INCOME TAX

S.O. 3354.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "University" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Mangalore University,
Mangalagangothri-574199,
Karnataka.

This Notification is effective for the period from 1-4-1995 to 31-3-1998.

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1468/F. No. DG/IT(E)/Cal/KT-25/35(1)(ii)/90]
R. SINGH, Dy. Director

कलकत्ता, 6 नवम्बर, 1995

आयकर

का.आ. 3355.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (2) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संवर्ग के अधीन अनुमोदित किया गया है :—

(1) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।

(2) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन”, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

मायको रिसर्च फाउंडेशन, 19, राज महल, 84 वीर नरीमन रोड, बम्बे-400020

यह अधिसूचना दिनांक 1-4-94 से 31-3-96 तक की अवधि के लिये प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1)—“संच” जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये आवेदन-पत्र की विभागा को प्रस्तुत करना है।

[संख्या : 1469/एफ.सं. म.नि./आ.क. (छूट)/
एम. 90/35(1)(ii)/90]

आर. सिंह, उप निदेशक

Calcutta, the 6th November, 1995

INCOME TAX

S.O. 3355.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its Scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Mahyco Research Foundation,
19, Raj Mahal, 84, Veer Nariman Road,
Bombay-400020.

This Notification is effective for the period from 1-4-1994 to 31-3-1996.

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1469/F. No. DG/IT(E)/Cal/M-90/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 6 नवम्बर, 1995

Calcutta, the 6th November, 1995

आयकर

का.आ. 3356—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा ;

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, “प्रौद्योगिकी भवन”, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

लोकमान्य मेडिकल रिसर्च सेंटर,
लोकमान्य हॉस्पिटल,
314-बी, चिंचवाड, पुना-411033

यह अधिसूचना दिनांक 1-4-95 से 31-2-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तें (i) संघ जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1470/एफ.सं. म.नि./आ.क. (छूट)/
एम. 107/कल./35(1)(ii)/90]

आर. सिंह, उप निदेशक

INCOME TAX

S.O. 3356.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category “Institution” subject to the following conditions :—

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Lokmanya Medical Research Centre,
Lokmanya Hospital, 314B, Chinchwad,
Pune-411033.

This Notification is effective for the period from 1-4-1995 to 31-3-1996.

Notes :

(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1470/F. No. DG/IT(E)/Cal[M-107/35(1)(ii)/90]

R. SINGH, Dy. Director

आयकर

कलकत्ता, 9 नवम्बर, 1995

का. आ. 3357.—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संस्थान” के संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग बहियां रखेगा ;

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के

31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्टर फार इनवाइरोमेन्टल प्लानिंग एण्ड टेक्नोलॉजी (सी. ई. पी. टी.)

कस्तूरभाई जाल भाई कम्पस,
यूनिवर्सिटी रोड, नवरंगपुरा,
अहमदाबाद-380009

यह अधिसूचना दिनांक 9-6-95 से 31-3-98 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—

1. उपर्युक्त शर्तें (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महा-निदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 471/फा. सं. म. नि./आ. क. (छूट)/जी. 72/35 (1) (ii)/95]

आर. सिंह, उप निदेशक

Calcutta, the 9th November, 1995

INCOME TAX

S.O. 3357.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Environmental Planning & Technology
(CEPT), Kasturba Zaldhar Campus,
University Road, Navrangpura,
Ahmedabad-380009.

This Notification is effective for the period from 9-6-1995 to 31-3-1998.

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1471/F. No. DG/IT(E)/Cal/G-72/35(1)(ii)/95]

R. SINGH, Dy. Director

आयकर

कलकत्ता, 13 नवम्बर, 1995

का. आ. 3358.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" के संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा;

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण अत्यंत वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

वाई. आर. गायनोन्डे मेडिकल एजुकेशनल रिसर्च
फाउण्डेशन, 15, ईस्ट स्ट्रीट कीलपाक गार्डन कोलोनी,
मद्रास-600010

यह अधिमूचना दिनांक 21-4-95 से 31-3-97 तक की
अवधि के लिए प्रभावी है।

टिप्पणी:—

1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1472/एफ. सं. म. नि./आ. क. (छूट)/
टी. एन.-73/35(1)(ii)/95]

आर. सिंह, उप निदेशक

Calcutta, the 13th November, 1995

INCOME TAX

S.O. 3358.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Y. R. Gaitonde Medical Educational Research Founda-
tion, 15, East St., Kilpauk Garden Colony,
Madras-600010.

This Notification is effective for the period from 21-4-1995
to 31-3-1997.
3021 GI/95—2

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1472/F. No. DG/IT(E)/TN-73/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 27 नवम्बर, 1995

आयकर

का.आ. 3359.—सर्वसाधारण की एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिमाव को भी प्रस्तुत करेगा।

संगठन का नाम

तामिल नाडू साइंस एण्ड टेक्नोलॉजी सेंटर,
इंजीनियरिंग कालेज पोस्ट,
मद्रास-600025

यह अधिमूचना दिनांक 1-4-95 से 31-3-96 तक की
अवधि के लिए प्रभावी है :

टिप्पणी:—

1. उपर्युक्त शर्त (1)—"संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महा-निदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की विभाग को प्रस्तुत करना है।

[संख्या : 1473/फा. सं. म. नि./आ. क. (छूट)/
टी. एन. 46/35 (1)(ii)/90]

आर. सिंह, उप निदेशक

Calcutta, the 27th November, 1995

INCOME TAX

S.O. 3359.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Association" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Tamil Nadu Science and Technology Centre,
Technology Centre, Engineering College Post,
Madras-600025.

This Notification is effective for the period from 1-4-1995 to 31-3-1996.

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1473/F. No. DG/IT(E)/Cal/TN-46/35(1)(ii)/90]

R. SINGH, Dy. Director

कलकत्ता, 28 नवम्बर, 1995

आयकर

का. आ. 3360.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" के संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए भ्रमण लेखा बहिया रखेगा ;
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक औद्योगिक अनुसंधान विभाग, 'प्रौद्योगिकी भवन' न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

डी आई रिसर्च फाउण्डेशन,
विजीता हास्पिटल, 180, एन. एस. के.
सलाल भद्रापलानी,
मद्रास-600026

यह अधिसूचना दिनांक 1-4-93 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—

1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की छः प्रतियां विभाग को प्रस्तुत करना है।

[संख्या 1474/एफ. सं. म. नि./आ. क. (छूट)/
टी. एन.-21/कल./35 (1)(ii)/89]

आर. सिंह, उप निदेशक

Calcutta, the 28th November, 1995

INCOME TAX

S.O. 3360.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

The Eye Research Foundation Vijaya Hospital,
180, N.S.K. Salai,
Vadapalani, Madras-600026.

This Notification is effective for the period from 1-4-1993 to 31-3-96.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1474/F. No. DG/IT(E)/Cal/TN-21/35(1)(ii)/89]

R. SINGH, Dy. Director

कलकत्ता, 28 नवम्बर, 1995

आयकर

का.आ. 3361.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिये आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "विश्वविद्यालय" के संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिये अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महा-निदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महा-निदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च किया गया संबंधित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

डा. एम. जी. आर. मेडिकल,
यूनिवर्सिटी नं. 40,
अन्ना सलाल गुंड़ी,
मद्रास-600032

यह अधिसूचना दिनांक 1-4-95 से 31-3-97 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिये लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिये आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किये गए आवेदन-पत्र की छः प्रतियां वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 1475/एफ. सं. म. नि./आ. क. (छूट)/
टी. एन.-34/कल./35(1) (ii)/90-91]

आर. सिंह, उपनिदेशक

Calcutta, the 28th November, 1995

INCOME TAX

S.O. 3361.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "University" subject to the following conditions :—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

The Tamil Nadu Dr. M.G.R. Medical University,
No. 40, Anna Salai,
Gindy, Madras-600032.

This Notification is effective for the period from 1-4-1995 to 31-3-1997.

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1475/F. No. DG/IT(E)/Cal/TN-35(1)(ii)|90-91]

R. SINGH, Dy. Director

कलकत्ता, 30 नवम्बर, 1995

आयकर

का.मा. 3362.—सर्वसाधारण का एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" के संवर्ग के अधीन अनु-मोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रोद्योगिकी भवन, न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्कर् किया गया संबंधित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

धर्मशीला कैंसर फाउन्डेशन एण्ड रिसर्च सेंटर,
वसुंधरा एनक्लेव,
दिल्ली-110096

यह अधिसूचना दिनांक 1-4-95 से 31-3-97 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्तें (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनु-मोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की छः प्रतियां विभाग को प्रस्तुत करना है।

[संख्या: 1476/एफ. सं. म. नि./मा. क. (छूट)/
एन. डी.-118/35 (1)(ii)/93]

आर. सिंह, उप निदेशक

Calcutta, the 30th November, 1995

INCOME TAX

S.O. 3362.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income Tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions:—

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income Tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income Tax/Director of Income Tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income & Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of section 35 of Income Tax Act, 1961.

NAME OF THE ORGANISATION

Dharamshila Cancer Foundation and Research Centre,
Vasundhara Enclave,
Delhi-110096.

This Notification is effective for the period from 1-4-1995 to 31-3-97.

Notes :

- (1) Condition (1) above will not apply to organisations categorised as associations.
- (2) The organisation is advised to apply in triplicates and well in advance for further extension of the approval, to the Director General of Income Tax (Exemptions), Calcutta through the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 1476/F. No. DG/IT(E)/Cal/ND-118|35(1)(ii)|93]

R. SINGH, Dy. Director

(आर्थिक कार्य विभाग)

बैंकिंग प्रभाग

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 3363.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (ख) और धारा 20 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा, श्री एम.जी. भिडे, वर्तमान उप-प्रबंध निदेशक, भारतीय स्टेट बैंक को, उनके द्वारा कार्यभार ग्रहण करने की तारीख से 20 फरवरी, 1999 तक की अवधि के लिए भारतीय स्टेट बैंक के प्रबंध निदेशक के रूप में नियुक्त करती है।

[सं. एफ 8/9/95-बीओ-I(iii)]

के.के. मंगल, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 13th December, 1995

S.O. 3363.—In pursuance of clause (b) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri M. G. Bhide, presently Deputy Managing Director, State Bank of India as Managing Director of State Bank of India for the period from the date of his taking charge and upto 28th February 1999.

[F. No. 8/9/95-BO.I(iii)]

K. K. MANGAL, Under Secy.

नई दिल्ली 13 दिसम्बर, 1995

का.आ. 3364.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (ख) और धारा 20 की उपधारा (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा श्री एम.एस. वर्मा, वर्तमान उप प्रबंध निदेशक, भारतीय स्टेट बैंक को, उनके द्वारा कार्यभार ग्रहण करने की तारीख से 30 नवम्बर, 1998 तक की अवधि के लिए भारतीय स्टेट बैंक के प्रबंध निदेशक के रूप में नियुक्त करती है।

[सं. एफ 8/9/95-बीओ-I(ii)]

के. के. मंगल, अवर सचिव

New Delhi, the 13th December, 1995

S.O. 3364.—In pursuance of clause (b) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri

M. S. Verma, presently Deputy Managing Director, State Bank of India as Managing Director of the State Bank of India for the period from the date of his taking charge and upto 30th November, 1998.

[F. No. 8/9/95-BO.I(ii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 3365.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (क) और धारा 20 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से एतद्वारा, श्री पी.जी. ककोडकर, वर्तमान उप प्रबंधक निदेशक, भारतीय स्टेट बैंक को, उनके द्वारा कार्यभार ग्रहण करने की तारीख से 31 मार्च, 1997 तक की अवधि के लिए भारतीय स्टेट बैंक के अध्यक्ष के रूप में नियुक्त करती है।

[सं. एफ 8/9/95-बीओ-I(i)]

के.के. मंगल, अवर सचिव

New Delhi, the 13th December, 1995

S.O. 3365.—In pursuance of clause (a) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby appoints Shri P. G. Kakodkar, presently Deputy Managing Director, State Bank of India, as the Chairman of the State Bank of India, for the period from the date of his taking charge and upto 31st March, 1997.

[F. No. 8/9/95-BO.I(i)]

K. K. MANGAL, Under Secy.

याणिज मंत्रालय

(विदेश व्यापार महानिदेशालय)

आदेश

नई दिल्ली, 4 दिसम्बर, 1995

का.आ. 3366 मैसर्स जी टी एन टेक्स्टाइल लिमिटेड इरुमुथुला पो.ओ. पोस्ट बाक्स नं. 101, आलवे 685101 (केरल) को ईपीसीजी स्कीम के तहत संलग्न सूची के अनुसार सी जी के अनुपात हेतु रु. 1,57,75,000 (एक करोड़, सत्तावन लाख, पच्चात्तर हजार रु. मात्र) का अग्रगत लाइसेंस संख्या पी/सी जी/2134222, दिनांक 8/5/95 जारी किया गया था।

फर्म ने इस आधार पर उपरोक्त लाइसेंस का सीमा-शुल्क और विनियमन नियंत्रण प्रयोजन की अनुलिपियां प्रदान करने का आवेदन किया है कि लाइसेंस की मूल

सीमाशुल्क और विनियमन नियंत्रण की प्रतियां गुम हो गई हैं, मिल नहीं रही हैं। इसके अलावा यह भी कहा गया है कि सीमाशुल्क और विनियमन नियंत्रण प्रतियां किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं थीं अतः सीमाशुल्क प्रयोजन प्रति के मूल्य का उपयोग बिल्कुल नहीं किया गया है।

2. अपने कथन के समर्थन में, लाइसेंस धारक ने नोटरी पब्लिक, आलवे के समक्ष बाकायदा शपथ लेकर स्टैम्प पेपर पर हलफनामा दाखिल किया है। मैं तदनुसार संतुष्ट हूं कि आयात लाइसेंस सं. पी/सीजी/2134222 दिनांक 8-5-95 की मूल सीमाशुल्क और विनियमन नियंत्रण प्रयोजन प्रतियां फर्म द्वारा गुम हो गई हैं/मिल नहीं रही हैं। यथा संशोधित आयात (नियंत्रण) आदेश, 1995 दिनांक 7-12-1955 की उपधारा 9 सीसी के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जी टी एन टेक्स्टाइल लिमिटेड, आलवे को जारी की गई उक्त मूल सीमा शुल्क और विनियमन नियंत्रण प्रयोजन प्रति संख्या पी/सीजी/2134222, दिनांक 8-5-1995 एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस का डुप्लीकेट सीमा शुल्क और विनियमन नियंत्रण प्रयोजन प्रतियां पार्टी को अलग से जारी की जा रही हैं।

[फाइल सं. 18/897/ए एम 95/ई पी सीजी-2/279]

माया. डी. केम, उप महानिदेशक
विदेश व्यापार

MINISTRY OF COMMERCE
DIRECTORATE GENERAL OF FOREIGN TRADE
ORDER

New Delhi, the 4th December, 1995

S.O. 3366.—M/s. GTN Textiles Limited, Erumuthala P.O. Post No. 101, Alwaye 685101 (Kerala), were granted an import of licence No. P/CG/2134222 dt. 8th May, 1995 for Rs. 1,57,75,000 (Rupees One Crore Fifty Seven Lakh Seventy Five Thousand only) import of CG as per list enclosed under EPCG Scheme.

The firm has applied for issue of Duplicate Copies of Customs and Exchange Control purpose of the above mentioned licence on the ground that the original Customs and Exchange Control copies of the licences have been lost or misplaced. It has further been stated that the Customs and Exchange Control copies of the licence were not registered with any Customs Authority and as such the value of Customs purpose copy has not been utilised at all.

2. In support of their contention, the licence has field an affidavit on stamped paper duly sworn in before Notary Public Alwaye. I am accordingly satisfied that the original Customs and Exchange Control purpose copies of import licence No. P/CG/2134222 dt. 8-5-95 has been lost or misplaced by the firm. In exercise of the powers conferred under Sub-clause 9(cc) of the Import (Control) Order 1955 dt. 7-12-1955 as amended the said original Customs and Exchange Control purpose copy No. P/CG/2134222 dt. 8-5-95 issued to M/s. GTN Textiles limited, Alwaye is hereby cancelled.

3. The duplicate Customs and Exchange Control purpose copies of the said licence is being issued to the party separately.

[F. No. 18/897/AM'95/EPCG-II/279]

MAYA D. KEM, Dy. Director General of Foreign Trade

आदेश

नई दिल्ली 12 दिसम्बर, 1995

का. आ. 3367.—मैसर्स भारत हेवी इलेक्ट्रिकल्स लि., नई दिल्ली-110049 को सी. एन सी नोचिंग मशीन के आयात के लिए 3,60,73,741 रु. (तीन करोड़ साठ लाख तेहत्तर हजार सात सौ इक्तालीस रुपये में मात्र) का आयात लाइसेंस सं. 01500086/2/13/10/1/01 दिनांक 10-11-95 प्रदान किया गया था।

फर्म ने अब इस आधार पर सीमा शुल्क एवं मुद्रा विनियम नियंत्रण प्रयोजन प्रति की अनुलिपि प्रतियां जारी करने के लिए आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क एवं मुद्रा विनियम प्रतियां खो गई हैं/अस्थानस्थ हो गई हैं। आगे यह बताया गया है कि लाइसेंस की सीमाशुल्क एवं मुद्रा विनियम नियंत्रण प्रयोजन प्रतियां किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं थी इसलिए सीमाशुल्क प्रयोजन प्रति के मूल्य का कोई उपयोग नहीं किया गया है।

2. अपनी बात के समर्थन में लाइसेंस धारी ने नोटरी पब्लिक, हैदराबाद के समक्ष विधिवत शपथ लेकर स्टैम्प पेपर पर शपथ पत्र दाखिल किया है। मैं तदनुसार संतुष्ट हूं कि फर्म से आयात लाइसेंस सं. 01500086/2/13/10/1/01 दिनांक 10-11-95 की सीमा शुल्क एवं मुद्रा विनियम नियंत्रण प्रयोजन प्रतियां खो गई/अस्थानस्थ हो गई हैं। मैं यथा संशोधन आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-1955 की उपधारा 9(गग) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स भारत हेवी इलेक्ट्रिकल्स लिमिटेड, नई दिल्ली को जारी मूल सीमाशुल्क एवं मुद्रा विनियम नियंत्रण प्रयोजन प्रति सं. 01500086/2/13/10/1/01 दिनांक 6-6-95 को एतद्वारा रद्द करता हूं।

3. पार्टी को उक्त लाइसेंस की अनुलिपि सीमाशुल्क एवं मुद्रा विनियम प्रयोजन प्रतियां अलग की जा रही है।

[फाइल सं. 01/36/021/00290/ए एम 96/ई पी सी जी-2/289]

माया. डी. केम. उप महानिदेशक, विदेश व्यापार

ORDER

New Delhi, the 12th December, 1995

S.O. 3367.—M/s. Bharat Heavy Electricals Ltd., New Delhi-110049 were granted an Import Licence No. 01500086/2/13/10/1/01 dt. 10-11-95 for Rs. 3,60,73,741 (Rupees Three Crore Sixty Lakh Seventy Three Thousand Seven Hundred forty one only) for import of CNC Notching Machine.

The firm has applied for issue of Duplicate Copies of Customs and Exchange Control purpose of the above mentioned licence on the ground that the original Customs and Exchange Control Copies of the licences have been lost or misplaced. It has further been stated that the Customs and Exchange Control Copies were not registered with any Customs Authority and as such the value of Customs Purpose Copy has not been utilised at all.

2. In support of their contention, the licences has filed an affidavit on stamped paper duly sworn in before Notary Public, Hyderabad. I am accordingly satisfied that the original Customs and Exchange Control purpose Copies of Import Licence No. 01500086/2/13/10/1/01, dt. 10-11-95 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9 (oc) of the Import (control) order 1955 dated 7-12-1955 as amended the said original Customs and Exchange Control purpose copy No. 1500086/2/13/10/1/01 dt. 10-11-95 issued to M/s. Bharat Heavy Electricals Ltd., New Delhi, is hereby cancelled.

The duplicate Customs and Exchange Control purpose copy of the said licence is being issued to the party separately.

[F. No. 01/36/021/00290/AM-96/EPCG-II/289]

MAYA D. KEM, Dy. Director General of Foreign Trade.

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 3368 मैसर्स बाम्बे टायर्स इंटरनेशनल लि. हेमकुंत टावर, 98, नेहरू प्लेस, नई दिल्ली को मूल आधारित अग्रिम लाइसेंस संख्या 152180 दिनांक 14-8-92 जारी किया गया था जिसके तहत 5,82,23,000.00 रु. लागत बीमा भाड़ा मूल्य के (1) नायलोन टायर्स-कार्ड वार्पशीट अथवा रेयन टायर्स कार्ड वार्पशीट से रिइनफोर्सड आटोमोबाइल टायर (2) कुल 8,73,34,000.00 रु. के पोत पर्यन्त निःशुल्क मूल्य के बुटाइल के टयूब के निर्यात उत्पाद आभार के साथ विभिन्न मर्चों का आयात करना था। यह लाइसेंस शुल्क छूट हकदारी प्रमाणपत्र (डीईईसी) क्रमांक 055635 (भाग-1 आयात) और 055635 (भाग-2 निर्यात) सहित जारी किया गया था।

2. फर्म ने अब इस आधार पर शुल्क छूट हकदारी प्रमाणपत्र (भाग 2 निर्यात) की डुप्लीकेट प्रति जारी करने हेतु आवेदन किया है कि मूल कागजात डीईईसी सैल सीमाशुल्क कलेक्टर, कलकत्ता में 27-9-94 को लगी आग में नष्ट हो गया था।

3. अपने कथन के समर्थन में, लाइसेंसधारक ने नोटरी पब्लिक के समक्ष शपथपत्र पर हलफनामा दायर किया है। मैं, तदनुसार संतुष्ट हूँ कि मूल डीईईसी बुक संख्या 055635 (भाग 2 निर्यात) डीईईसी सैल, सीमाशुल्क कलेक्टर, कलकत्ता में 27-9-94 को लगी आग में नष्ट हो गई है। विदेश व्यापार (विकास और विनियमन) अधिनियम 1992 की धारा 9(4) और विदेश व्यापार विनियमन नियम, 1993 के नियम 10 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स बाम्बे टायर्स इंटरनेशनल लि., नई दिल्ली को जारी उक्त मूल डीईईसी बुक संख्या 055635 (भाग-2 निर्यात), एतद्वारा रद्द की जाती है।

उक्त रद्द डीईईसी बुक के स्थान पर एक डुप्लीकेट डीईईसी बुक (भाग-2 निर्यात) संख्या 183737 पार्टी को अलग से जारी की जा रही है।

[फाइल सं. 01/80/40/149/एम 93/डीईएस-5/3880]

एम.एल. भूटानी, उप महानिदेशक, विदेश व्यापार
कृते महानिदेशक, विदेश व्यापार

New Delhi, the 13th December, 1995

S.O. 3368.—M/s. Bombay Tyres International Ltd., Hemkunt Tower 98, Nehru Place, New Delhi were issued a value based advance licence No. 1521860 dt. 14-8-92 for import of various items for cif value of Rs. 5,82,23,000.00 with an obligation to export product (1) Automobile Tyres reinforced with Nylon tyres-cord warpsheet OR rayon tyres cord warp sheet (2) butyl tubes for total FOB value Rs. 8,73,34,000.00. This licence was issued alongwith duty Exemption Entitlement Certificate (DEEC) bearing serial Nos. 055635 (Part-I import) and 055635 (Part-II export).

2. The firm has now applied for issue of duplicate Duty Exemption Entitlement Certificate (Part-II Export) on the ground that the original has been destroyed in the fire that broke out in the DEEC Cell, Collector of Customs, Calcutta on 27-9-94.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public. I am accordingly satisfied that the original DEEC BOOK NO. 055635 (Part-II Export) has been destroyed in the fire that broke out in the DEEC Cell, Collector of Customs, Calcutta on 27-9-94. In exercise of the powers conferred under section 9(4) of Foreign Trade (Development of Regulation) Act 1992 and Rule 10 of the Foreign Trade Regulation Rules 1993, the said original DEEC Book No. 055635 (Part-II Export) issued in favour of M/s. Bombay Tyres International Ltd., New Delhi is hereby cancelled.

A duplicate DEEC Book (Part-II export) No. 183737 in lieu of aforesaid cancelled DEEC Book is being issued to the party-separately.

[F. No. 01/80/40/149/AM93/DES-V/3880]

M. L. BHUTANI, Dy. Director General of Foreign Trade
For Director General of Foreign Trade

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण
मंत्रालय

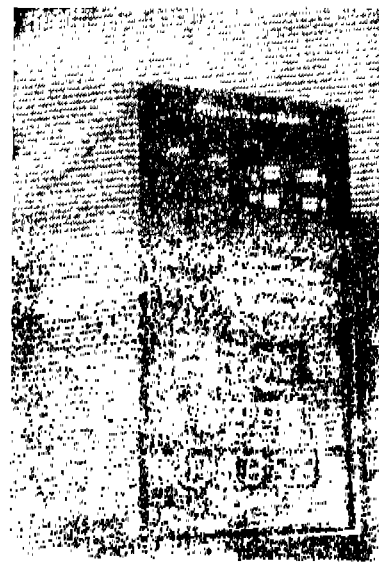
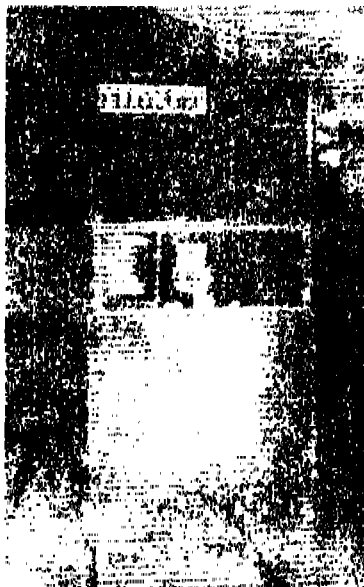
नई दिल्ली, 7 दिसम्बर, 1995

का. आ. 3369—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करने के पश्चात समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि उक्त माडल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा,

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए

“एक्यूवे” ब्रांड नाम वाले अंकीय सूचक स्वचालित बैच तोलक के माडल का (जिसे इसमें इसको पश्चात माडल कहा गया है)। जिसका विनिर्माण मैसर्स हिंदुस्तान इलेक्ट्रोनिक्स, कलकत्ता द्वारा किया गया है और जिसे अनुमोदन चिन्हन आई. एन. डी 09/05/09 समनदेशित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) चाय के तोल के लिए यह एक स्वचालित इलेक्ट्रोनिक्स गणन पद्धति है। तुला फुदक, जो शंकु आकृति में हैं, भंडारण फुदक के ठीक नीचे लगा है और लोड सेल के तीन विकृति मापी ट्राईप द्वारा आधारित है। चाय तोलन की कुछ मात्रा अंकीय सर्थयोगित्र (5 अंक) में स्वतः अभिलिखित होती है।



(आकृति)

मशीन अधिकतम क्षमता 20 किलोग्राम और न्यूनतम क्षमता 7 किलोग्राम के तुला रेंज की है तथा उसका अधिकतम निर्गम 1800 किलोग्राम प्रति घंटा है। यह 220 बोल्ट और 50 हर्ट्ज के एकल प्रावस्था (फैस) विद्युत प्रदाय पर काम करती है।

[फा. सं. डब्ल्यू एम 21 (22)/93]

राजीव श्रीवास्तव, संयुक्त सचिव

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS
AND PUBLIC DISTRIBUTION

New Delhi, the 7th December 1995

S.O. 3369.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions:

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of self-indicating automatic batch weigher of brand name "Accuweigh" (hereinafter referred to as the Model) manufactured by M/s. Hindustan Electronics, Calcutta, and which is assigned the approval mark IND/09/95/09.

The Model (see figure) is an automatic electronic batching system for weighment of tea. The weigh hopper, which is conical in shape, is mounted just below the storage hopper and is supported by three strain gauge type of load cells. The total amount of tea weighed is automatically recorded in a digital totaliser (5 digits).



(figure)

The machine has a weighing range of maximum capacity 20 kg. and minimum capacity 1 kg and the output is 1800 kg/hr maximum. It works on a single phase power supply of 220 volt and 50 hertz.

[F. No. WM-21(22)/93]

RAHV SRIVASAVA, Jr. Secy.

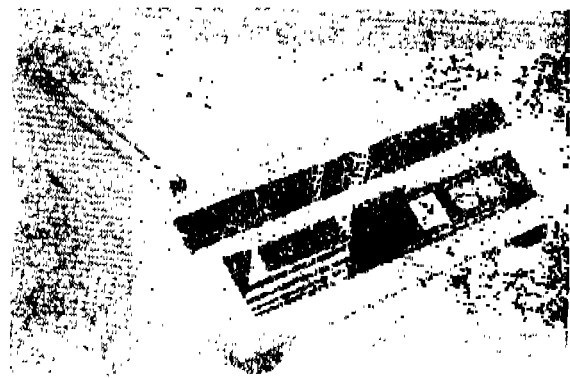
नई दिल्ली, 8 दिसम्बर 1995

का. आ. 3370 केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रदत्त की गई रिपोर्ट पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मांडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (मांडल का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि उक्त मांडल लगातार प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा,

अतः : केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, स्वतः सूचक गैर-स्वचालित अंकीय संप्रदर्श टैबल टॉप टाइप ए टी सीरीज की 2 के मांडल का, (जिसे उसमें इसके पश्चात् मांडल कहा गया है) जिसका विनिर्माण मैमर्स एवीलास्ट स्केल्स इंडस्ट्रीज, अहमदाबाद द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी 09/95/08 समनुद्दिष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है,

मांडल (आकृति देखिए) एक उच्च यथार्थता (यथार्थता वर्ग 2) का तोलन उपकरण है जिसकी अधिकतम क्षमता 11000 ग्राम और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अंतर (ई) ग्राम है। इसमें एक टेयर युक्ति है जिसका व्यक्तनात्मक प्रतिधारण टेयर प्रभाव 100

प्रतिशत है। आधार और प्लेटफार्म धात्विक है। भारग्राही वृत्ताकार आकृति का है, जिसका डा ए 85 मि. मी. है। प्रकाश उत्सर्जन डायोड प्रदर्शन तोल परिणाम उपदर्शित करता है। यह उपकरण 230 वोल्ट 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत पदाय पर प्रचालित होता है।



आकृति

आगे, केन्द्रीय सरकार, यह घोषणा करती है कि मांडल के अनुमोदन के इस प्रमाणपत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धांत के अनुसार और उसी सामग्री से, जिससे अनुमोदित मांडल का विनिर्माण किया गया है विनिर्मित 100 ग्राम 120 ग्राम, 220 ग्राम, 300 ग्राम, 550 ग्राम, 1100 ग्राम, 2200 ग्राम, 5500 ग्राम, और 22000 ग्राम की अधिकतम क्षमता वाले समरूप मैक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोल उपकरण भी हैं।

[फा. स. डब्ल्यू एम-21 (8)/91]

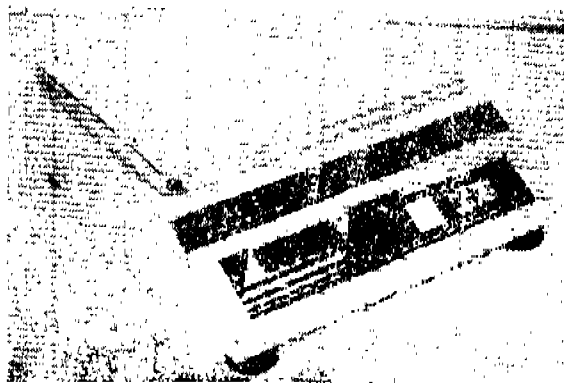
राजीव श्रीवास्तव, संयुक्त सचिव

New Delhi, the 8th December, 1995

S.O. 3370.—Whereas the Central Government after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in 'conformity' with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Model/s) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under verified conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating non-automatic digital display table top weighing instrument of type 'AT' series class II (hereinafter referred to as the Model) manufactured by M/s. Avelast Scales Industries, Ahmedabad, and which is assigned the approval mark IND/09/95/08.

The model (see figure) is a high accuracy (accuracy class II) weighing instrument with a maximum capacity of 11 kg and minimum capacity of 20 gram. The verification scale interval (e) is a gram. It has a tare device with a 100 per cent subtractive retained tare effect. The base and the platform are metallic. The load receptor is of circular shape of diameter 85 millimetres. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 model has been manufactured.



Further, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 100g, 120g, 220g, 300g, 550g, 1100g, 2200g, 5500g, and 22000g manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved model has been manufactured.

[File No. WM-21(8)/91]
RAJIV SRIVASTAVA, Jt. Secy.

(भारतीय मानक ब्यूरो)

नई दिल्ली, 8 दिसम्बर, 1995

का.प्रा. 3371:— भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड "ख" के अनुसरण में भारतीय मानक ब्यूरो एनवेलस्टा इण्डस्ट्रीज लि. को सूचित करता है कि नीचे दिये गए मानक (को) में संशोधन किया गया है/किये गये हैं।

क्रम संख्या	संशोधन भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख
1	2	3	4
1.	आईएस 779: 1994	संशोधन सं. 1, नवम्बर 1995	1995-11-30
2.	आईएस 814: 1991	संशोधन सं. 2, अक्टूबर 1995	1995-10-31
3.	आईएस 1934: 1982	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
4.	आईएस 2239: 1971	संशोधन सं. 1, नवम्बर 1995	1995-11-30
5.	आईएस 2556 (भाग 1): 1995	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
6.	आईएस 3077: 1992	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
7.	आईएस 3160: 1965	संशोधन सं. 1, नवम्बर 1995	1995-11-30
8.	आईएस 3161: 1965	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
9.	आईएस 3309: 1992	संशोधन सं. 1, नवम्बर 1995	1995-11-30
10.	आईएस 3581: 1982	संशोधन सं. 1, नवम्बर 1995	1995-11-30
11.	आईएस 3591: 1985	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
12.	आईएस 3592: 1985	संशोधन सं. 2, अक्टूबर 1995	1995-10-31
13.	आईएस 3633: 1972	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
14.	आईएस 3802: 1992	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
15.	आईएस 5349: 1969	संशोधन सं. 1, सितम्बर 1995	1995-09-30
16.	आईएस 5423: 1989	संशोधन सं. 2, नवम्बर 1995	1995-11-30
17.	आईएस 7092 (भाग 2) 01987	संशोधन सं. 2, अक्टूबर 1995	1995-10-31
18.	आईएस 12709: 1994	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
19.	आईएस 13334 (भाग 1) 1992	संशोधन सं. 3, अक्टूबर 1995	1995-10-31
20.	आईएस 13508: 1992	संशोधन सं. 1, अक्टूबर 1995	1995-10-31
21.	आईएस 14124: 1994	संशोधन सं. 1, अक्टूबर 1995	1995-10-31

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, कच्छीगढ़ तथा मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलोर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना और त्रिभुवननगर में बिक्री हेतु उपलब्ध हैं।

(सं. के.प्र.वि./13 : 5]

एम्. के. कर्मकार, अपर सहायक निदेशक

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 8th December, 1995

S.O. 3371.—In pursuance of clause(b) of Sub-rule(I) of Rule 7 of the Bureau of Indian Standards Rules 1987) the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s) particulars of which is/are given in the Schedule hereto annexed, has/have been issued:

SCHEDULE

Sl. No. and year of the Indian Standard(s) amended	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3
		4
1. IS 779 : 1994	Amendment No. 1 November 1995	95-11-30
2. IS 814 : 1991	Amendment No. 2 October 1995	95-10-31
3. IS 1934 : 1982	Amendment No. 1 October 1995	95-10-31
4. IS 2239 : 1971	Amendment No. 1 November 1995	95-11-30
5. IS 2556 (Part 1): 1995	Amendment No. 1 October 1995	95-10-31
6. IS 3077 : 1992	Amendment No. 1 October, 1995	95-10-31
7. IS 3160 : 1965	Amendment No. 1 November 1995	95-11-30
8. IS 3161 : 1965	Amendment No. 1 October 1995	95-10-31
9. IS 3309 : 1992	Amendment No. 1 November 1995	95-11-30
10. IS 3581 : 1982	Amendment No. 1 November 1995	95-11-30
11. IS 3591 : 1985	Amendment No. 1 October 1995	95-10-31
12. IS 3592 : 1984	Amendment No. 2 October 1995	95-10-31
13. IS 3633 : 1972	Amendment No. 1 October 1995	95-10-31
14. IS 3802 : 1992	Amendment No. 1 October 1995	95-10-31
15. IS 5349 : 1969	Amendment No. 1 September 1995	95-09-30
16. IS 5423 : 1989	Amendment No. 2 November 1995	95-11-30
17. IS 7092 (Part 2): 1987	Amendment No. 2 October 1995	95-10-31
18. IS 12709 : 1994	Amendment No. 1 October 1995	95-10-31
19. IS 13334 (Part 1): 1992	Amendment No. 3 October 1995	95-10-31
20. IS 13508 : 1992	Amendment No. 1 October 1995	95-10-31
21. IS 14124 : 1994	Amendment No. 1 October 1995	95-10-31

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[CMD/13 : 5]

S.K. KARMAKAR, Addl. Director Gen.

कोयला मंत्रालय

नई दिल्ली, 24 नवम्बर, 1995

का.आ. 3372 :- केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) धारा 7 की उपधारा (1) के अधीन निकाली गई और भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii), तारीख 31 दिसम्बर, 1994 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 3548 तारीख 13 दिसम्बर, 1994 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 9765.56 एकड़ (लगभग) या 3952.067 हेक्टर (लगभग) है, खनन के अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी ;

और उक्त अधिनियम की धारा 8 के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात और मध्य प्रदेश सरकार से परामर्श करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में जिसका माप 9765.56 एकड़ (लगभग) या 3952.067 हेक्टर (लगभग) है, खनन के अधिकार अर्जित किए जाने चाहिए ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त अनुसूची में वर्णित भूमि में जिसका माप 9765.56 एकड़ (लगभग) या 3952.067 हेक्टर (लगभग) है, खनन के अधिकार अर्जित किए जाते हैं ।

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक सं. एल./बी.एस.पी./जी.एम. (पी.एल.जी.) लैंड /150 तारीख 14 जुलाई, 1995 का निरीक्षण कलेक्टर, गृहदोल/सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग), सीपत रोड, बिलामपुर-495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है ।

अनुसूची

अमृतधारा और सिरिया ब्लाक

हसदेव क्षेत्र

जिला-गृहदोल और सरगुजा (मध्य प्रदेश)

खनन अधिकार

राजस्व भूमि

क्र.सं.	ग्राम/मौजा	बंदोबस्त संख्यांक	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	मलगा	826	कोतमा	गृहदोल	608.242	भाग
2.	भाटीसरई	790	कोतमा	गृहदोल	348.203	भाग
3.	टांकी	376	कोतमा	गृहदोल	561.129	भाग
योग :					1517.574	

वन भूमि

क्रम संख्यांक	ग्राम/मौजा	बंदोबस्त संख्यांक	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	डुमर कछार	404	कोतमा	दक्षिण गृहदोल	90.505	भाग
2.	मलगा	826	कोतमा	दक्षिण गृहदोल	1165.047	भाग
3.	भाटीसरई	790	कोतमा	दक्षिण गृहदोल	595.606	भाग
4.	टांकी	376	कोतमा	दक्षिण गृहदोल	365.800	भाग
5.	कोडा (आश्रित वन)	—	चिरीमिरी (मनेद्रगढ़)	कोरिया (सरगुजा)	217.535	भाग
योग					2434.493	
मकल योग :					3952.067	हेक्टर (लगभग)
या					9765.56	एकड़ (लगभग)

1. ग्राम डुमरकछार (भाग) में अर्जित किए गए प्लॉट संख्यांक : 103 से 105, 197 और 265

2. ग्राम मलगा (भाग) में अर्जित किए गए प्लॉट संख्यांक : 1 से 211, 214 (भाग), 215 (भाग), 238 (भाग), 239 (भाग), 240, 241 (भाग), 246 (भाग), 247 (भाग), 248 (भाग), 252 (भाग), 253 (भाग), 254, 255 (भाग), 256 (भाग), 261 (भाग), 262, 263 (भाग), 264 (भाग), 265 (भाग), 266 से 2462, 174/2463, 46/2464, 156/2465, 172/2466, 173/2467, 316/2468, 369/2469, 505/2470, 749/2471, 1344/2472, 1716/2473, 2272/2474, 2059/2475 और 2059/2476 :

3. ग्राम भाटी सरई (सम्पूर्ण) में अर्जित किए गए प्लॉट संख्यांक : 1 से 656, 8/657, 65/658, 352/659, 362/660, 201/661, 201/662, 520/663, 375/664, 361/665 और 361/666.

4. ग्राम टांकी (सम्पूर्ण) में अर्जित किए गए प्लॉट संख्यांक : 1 से 451

5. कोडा आरक्षित वन (भाग) में अर्जित किए गए कम्पाटमेंट संख्यांक : 617 (भाग), 618 (भाग) और 619 (भाग)

सीमा वर्णन

- क-ख-ग-घ 1-घ रेखा ग्राम मलगा, धुमटोला, भलवाही की तिसीमा बिन्दु "क" बिन्दु से आरंभ होती है तथा ग्राम मलगा और भलवाही, मलगा और भरतराई, मलगा और आमाडांड की सम्मिलित सीमा के साथ-साथ जाती है और ग्राम मलगा, आमाडांड और फुलकोना के तिसीमा बिन्दु पर बिन्दु "घ" पर मिलती है।
- घ-ङ-च 1-च रेखा ग्राम मलगा और फुलकोना ग्राम की सम्मिलित सीमा के साथ साथ जाती है, उसके बाद भागतः ग्राम डुमरकछार और फुलकोना की सम्मिलित सीमा के साथ साथ जाती है और फिर प्लॉट संख्यांक 103 104, 105, 197, 265 को उत्तरी सीमा के साथ साथ-ग्राम डुमरकछार से होकर जाती है और बिन्दु "च" पर मिलती है।
- च-च 1-च 2-च 3-छ-छ 1-छ 2-ज रेखा प्लॉट संख्यांक 265 की पूर्वी सीमा में साथ साथ ग्राम डुमरकछार से होकर जाती है और उसके बाद ग्राम मलगा में प्रवेश करती है और प्लॉट संख्यांक 207 की पूर्वी सीमा, प्लॉट संख्यांक 211, 214 की उत्तरी सीमा के साथ-साथ जाती है उसके बाद प्लॉट संख्यांक 266, 265 की उत्तरी सीमा से होकर जाती है और प्लॉट संख्यांक 265, 264, 263, 261 से होकर जाती है और बिन्दु "ज" पर ग्राम मलगा और भाटीसरई की सम्मिलित सीमा पर मिलती है।
- ज-ज 1-ज 2-ज 3-झ रेखा प्लॉट संख्यांक 261, 255, 256, 253, 252, 248, 247, 246, 241, 238, 239 से ग्राम मलगा होकर जाती है और बिन्दु "झ" पर गहडोल और सरगुजा जिले की सम्मिलित सीमा पर मिलती है।
- झ-ञ रेखा भागतः गहडोल और सरगुजा जिलों की सम्मिलित सीमा के साथ-साथ जाती है, उसके बाद सरगुजा जिले में प्रवेश करती है और वन कम्पाटमेंट संख्यांक 617, 618, 619 से होकर जाती है और बिन्दु "ञ" पर मिलती है।
- ञ-ट रेखा भागतः गहडोल और सरगुजा जिलों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ट" पर मिलती है।
- ट-ठ रेखा भागतः गहडोल और बिलामपुर जिलों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ठ" पर मिलती है।
- ठ-ड-द-क रेखा ग्राम टांकी और पंडरीपानी, भाटीसरई और पंडरीपानी, मलगा और पंडरीपानी, मलगा और धुमटोला की सम्मिलित सीमाओं के साथ-साथ जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[फा.सं. 43015/15/93-एलएस डब्ल्यू]

श्रीमती प्रेमलता सैनी, अवसर सचिव

MINISTRY OF COAL

New Delhi, the 24th November, 1995

S.O 3372 :—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 3548, dated : 13th December, 1994 issued under sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part II, Section 3, Sub-Section (ii) of the Gazette of India, dated 31st December 1994, the Central Government gave notice of its intention to acquire the mining rights in the lands measuring 9765.56 Acres (approximately) or 3952.067 hectares (approximately) in the locality specified in the Schedule appended to that notification.

And whereas the Competent Authority, in pursuance of section 8 of the said Act, has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Madhya Pradesh, is satisfied that the mining rights in the lands measuring 9765.56 acres (approximately) or 3952.067 hectares (approximately) described in the Schedule appended hereto should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the mining rights in the lands measuring 9765.56 acres (approximately) or 3952.067 hectares (approximately) described in the said Schedule, are hereby acquired.

The plan bearing No : SECL/BSP/GM(PLG)/Land/150 dated the 14th July, 1995 of the area covered by this notification may be inspected in the Office of the Collector, Shahdol/Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur 495006 (Madhya Pradesh).

SCHEDULE
AMRITDHARA AND JHIRIA BLOCKS
HASDEO AREA

District Shahdol and Surguja (Madhya Pradesh)

Mining Rights

Revenue Land.

Sl. No.	Village/Mouza	Settlement number	Tahsil	District	Area in hectares	Remarks
1.	Malga	826	Kotma	Shahdol	608.242	Part
2.	Bhatisarai	790	Kotma	Shahdol	348.203	Part
3.	Tanki	376	Kotma	Shahdol	561.129	Part
Total :					1517.574	

FOREST LAND

Sl. No.	Village/Mouza	Settlement number	Tahsil	District	Area in hectares	Remarks
1.	Dumarkachhar	404	Kotma	South Shahdol	90.505	Part
2.	Malga	826	Kotma	South Shahdol	1165.047	Part
3.	Bhatisarai	790	Kotma	South Shahdol	595.606	Part
4.	Tanki	376	Kotma	South Shahdol	365.800	Part
5.	Kora (Reserved Forest)	...	Chirimiri (Manendragarh)	Korea (Surguja)	217.535	Part
Total					2434.493	
GRAND TOTAL :					3952.067 Hectares (Approximately) OR 9765.56 Acres (Approximately)	

1. Plot numbers acquired in village village Dumarkachhar (Part) : 103 to 105, 197 and 265.
2. Plot numbers acquired in village Malga (Part) : 1 to 211, 214 (Part), 215 (part), 238 (Part), 239 (part), 240, 241 (part), 246 (part), 247 (part), 248 (part), 252 (part), 253 (part), 254, 255 (part), 256 (Part), 261 (part), 262, 263 (part), 264 (part), 265 (part), 266 to 2462, 174/2463, 46/2464, 156/2465, 172/2466, 173/2467, 316/2468, 369/2469, 505/2470, 749/2471, 1344/2472, 1716/2473, 2272/2474, 2059/2475 and 2950/2476.
3. Plot numbers acquired in Village Bhatisarai (Full). 1 to 656 8/657, 65/658, 352/659, 362/660, 201/661, 201/662, 520/663, 375/664, 361/665 and 361/666.
4. Plot numbers acquired in Village Tanki (Full). 1 to 451.
5. Compartment numbers acquired in Kora Reserved Forest (Part) 617 (part), 618 (part), and 619 (Part).

Boundary Description :

A-B-C-C1-D	Line starts from Point 'A' on trijunction point of village Malga, Dhumatola, Bhalwahi and passes along the common boundaries of village Malga and Bhalwahi, Malga and Bartarai, Malga-Awadand and meets on the trijunction point of villages, Malga, Awadand and Fulkona at point-'D'.
D-E-F1-F.	Line passes along the common boundary of villages Malga and Fulkona, then partly along the common boundary of villages Dumarkachhar and Fulkona, then through village Dumarkachhar along the northern boundary of plot numbers, 103, 104, 105, 197, 265, and meets at point 'F'.
F-F1-F2-F3-G-G1-G2-H	Line passes through village Dumarkachhar along the eastern boundary of plot number 265, then enters in village Malga and passes along the eastern boundary of plot number 207, northern boundary of plot number 211, 214 then through plot numbers, 214, 215, then northern boundary of plot number 266, 265 and passes through plot numbers 265, 264, 263, 261 and meets on the common boundary of village Malga and Bhatisarai at point-'H'.
H-H1-H2-H3-I	Line passes through village Malga through plot numbers 261, 255, 256, 253, 252, 248, 247, 246, 241, 238, 239 and meets on the common boundary of district Shahdol - Surguja at point 'I'.
I-J	Line passes partly along the common boundary of Districts Shahdol and Surguja, then enters in Surguja District and passes through forest compartment number 617, 618, 619 and meets at Point- 'J'.
J-K	Line passes partly along the common boundary of District Shahdol and Surguja and meets at Point- 'K'.
K-L	Line passes partly along the common boundary of District Shahdol and Bilaspur and meets at point 'L'.
L-M-N-A	Line passes along the common boundaries of villages Tanki and Pandripani, Bhatisarai and Pandripani, Malga and Pandripani, Malga and Dhummatola and meets at the starting point at 'A'.

परमाणु उर्जा विभाग

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

बम्बई, 11 दिसम्बर, 1995

शुद्धिपत्र

नई दिल्ली, 12 दिसम्बर, 1995

का. आ. 3373—केन्द्रीय सरकार परमाणु उर्जा विभाग के एक संघटक यूनिट परमाणु खनिज प्रभाग के हैदराबाद स्थित मुख्यालय को जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में अधिसूचित करती है।

[संख्या 6/7/94 हिन्दी/911]

बी. के. साहा, संयुक्त सचिव

Department of Atomic Energy

Bombay, the 11th December, 1995

S.O. 3373.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the headquarters of Atomic Minerals Division, Hyderabad, a Constituent Unit of the Department of Atomic Energy, more than 80% staff whereof has acquired a working knowledge of Hindi.

[No. 6/7/94-Hindi/911]

B. K. SAHA, Jt. Secy.

बम्बई, 11 दिसम्बर, 1995

का. आ. 3374—केन्द्रीय सरकार परमाणु उर्जा-विभाग के नियंत्रणाधीन सरकारी क्षेत्र के उपक्रम ईलेक्ट्रो-निक्स कार्पोरेशन आफ इंडिया लिमिटेड के दिल्ली स्थित उत्तरी क्षेत्रीय कार्यालय को, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में अधिसूचित करती है।

[संख्या 6/7/94 हिन्दी/910]

बी. के. साहा, संयुक्त सचिव

Bombay, the 11th December, 1995

S.O. 3374.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the Northern Zone Office, Delhi of Electronics Corporation of India Limited, a Public Sector Undertaking under the Department of Atomic Energy, more than 80% staff whereof has acquired a working knowledge of Hindi.

[No. 6/7/94-Hindi/910]

B. K. SAHA, Jt. Secy.

का.आ. 3375.—भारत के राजपत्र में पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग का अर्जन) अधिनियम, 1962 (1962 का 50) खण्ड-3 के उपखण्ड (1) के अंतर्गत दिनांक 15-10-94 को प्रकाशित पेट्रोलियम और प्राकृतिक गैस मंत्रालय के दिनांक 22-9-94 के का.आ. संख्या 2784 जो कि ग्राम मरीखेड़ा, तहसील कोलारंग, जिला शिवपुरी के संबंध में था, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार

निम्न संशोधन के अनुसार पढ़ा जाये

क्र.	सर्वे संख्या	क्षेत्र-हेक्टेयर में	सर्वे नं.	क्षेत्र-हेक्टेयर
------	--------------	----------------------	-----------	------------------

10	610	0.0384	410	0.0384
----	-----	--------	-----	--------

[संख्या-एल-14016/7/94-जी पी.]

अर्धेन्दु सेन, निदेशक

MINISTRY OF PETROLEUM & NATURAL GAS

CORRIGENDUM

New Delhi, the 12th December, 1995

S.O. 3375.—In the Gazette of India, Ministry of Petroleum & Natural Gas S.O. No. 2784 dated 22-9-94 published on 15-10-94 under sub section (i) of section 3 of the Petroleum & Mineral pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of Village Marikhera, Tehsil Kolarang, Distt. Shivpuri be read as follows :

As per Gazette

Be read as
Corrected below

Sl. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
10.	610	0.0384	410	0.0384

[No. L.14016/7/94-G.P.]

ARDHENDU SEN, Director.

शुद्धिपत्र

नई दिल्ली, 12 दिसम्बर, 1995

का.आ. 3376.—भारत के राजपत्र में पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग का अर्जन) अधिनियम, 1962 (1962 का 50) खण्ड-3 के उपखण्ड (1) के अंतर्गत दिनांक 1-10-94 को प्रकाशित पेट्रोलियम और प्राकृतिक गैस मंत्रालय के दिनांक 9-9-94 के का. आ. संख्या 2544 जो

कि ग्राम धमनार, तहसील गुना, जिला गुना के संबंध में था, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार पढ़ा जाये

क्र. सं.	सर्वे सं.	क्षेत्र हेक्टेयर में	सर्वे सं.	क्षेत्र हेक्टेयर में
35	579	0.2400	582	0.2400

[संख्या पत्र.-14016/7/94-जी.पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 12th December, 1995

S.O. No. 3376 --In the Gazette of India, Ministry of Petroleum and Natural Gas S.O. No. 2544 dated 9-9-94 published on 1-10-94 under sub section (i) of section 3 of the petroleum and Mineral pipeline (Acquisition of right of users in land) Act, 1962 (50 of 1962) in respect of village Dhamnar, Tehsil Guna, Distt. Guna be read as follows :

As per Gazette		Be read as Corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
359	577	0.2400	582	0.2400

[No. 14016/7/94-G.P.]

ARDHENDU SEN, Director

गुजि पत्र

नई दिल्ली, 12 दिसम्बर, 1995

का.आ. 3377--भारत के राजपत्र में पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग का अर्जन) अधिनियम, 1962 (1962 का 50) खण्ड 3 के उपखण्ड (1) के अंतर्गत दिनांक 1-10-94 को प्रकाशित पेट्रोलियम और प्राकृतिक गैस मंत्रालय के दिनांक 9-9-94 के का.आ. संख्या 2531 जो कि ग्राम तरावटा, तहसील गुना जिला गुना के संबंध में था, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार पढ़ा जाये

क्र. सं.	सर्वे संख्या	क्षेत्र-हेक्टेयर में	सर्वे संख्या	क्षेत्र-हेक्टेयर में
5.	363	0.0950	—	—
9.	378	0.0125	379	0.1075

[संख्या-पत्र-14016/7/94-जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 12th December, 1995

S.O. 3377--In the Gazette of India, Ministry of Petroleum & Natural Gas S.O. No. 2531 dated 9-9-94 published on 1-10-94 under sub section (i) of section 3 of the Petroleum & Mineral pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Taravata, Tehsil Guna, Distt. Guna be read as follows :

As per Gazette		Be read as Corrected Below	
Sr. No.	Survey No.	Area in Hectare	Survey No. Area in Hectare
5.	363	0.0950
9.	378	0.0125	378 0.1075

[No. L-14016/7/94-G.P.]

ARDHENDU SEN, Director

गुजि पत्र

नई दिल्ली, 12 दिसम्बर, 1995

का.आ. 3378--भारत के राजपत्र में पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग का अर्जन) अधिनियम, 1962 (1962 का 50) खण्ड 3 के उपखण्ड (1) के अंतर्गत दिनांक 15-10-94 को प्रकाशित पेट्रोलियम और प्राकृतिक गैस मंत्रालय के दिनांक 22-9-94 के का.आ. संख्या 2770 जो कि ग्राम खराल, तहसील कोलार, जिला शिवपुरी के संबंध में था, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार पढ़ा जाये

क्र. सं.	सर्वे संख्या	क्षेत्र-हेक्टेयर में	सर्वे संख्या	क्षेत्र-हेक्टेयर में
28	40	0.1033	47	0.1033

[संख्या पत्र. 14016/7/94-जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 12th December, 1995

S.O. 3378 --In the Gazette of India, Ministry of Petroleum & Natural Gas S.O. No. 2770 dated 22-9-94 published on 15-10-94 under sub section (i) of section 3 of the Petroleum & Mineral pipeline (Acquisition of Right of Users in land) Act, 1962 (50 of 1962) in respect of village Kharai, Tehsil Kolar, Distt. Shipuri be read as follows :

As per Gazette			Be read as Corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
28	400	0.1033	47	0.1033

[No. L-14016/7/94-G.P.]

ARDHENDU SEN Director

शुद्धि पत्र

नई दिल्ली, 12 दिसम्बर, 1995

का.आ. 3379.—भारत के राजपत्र में पेट्रोलियम और खनिज पाइप लाइन (भूमि के उपयोग का अर्जन) अधिनियम 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) के संशोधित दिनांक 15-10-94 को प्रकाशित पेट्रोलियम और प्राकृतिक गैस मंत्रालय के दिनांक 22-9-94 के का.आ. संख्या 2763 जो कि ग्राम बकमपुर तहसील कोलारम जिला शिवपुरी के संक्षेप में था, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार
पढ़ा जाये

क्र. सं.	सर्वे संख्या	क्षेत्र-हेक्टेयर में	सर्वे संख्या	क्षेत्र-हेक्टेयर में
31	159	0.0902	149	0.0902

[संख्या-एल. - 14016/7/94-जी.पी.]

अर्थेन्दु सें. निदेशक

CORRIGENDUM

New Delhi the 12th December, 1995

S.O. 3379.—In the Gazette of India, Ministry of Petroleum and Natural Gas, S.O. No. 2763 dated 22-9-94 published on 15-10-94 under sub-section (i) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Bakampur, Tehsil Kolaram, District Shivpuri be read as follows :

As per Gazette		Be read as Corrected below	
Sr. No.	Survey No.	Survey No.	Area in Hectare
31	159	149	0.0902

[No. L-14016/7/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 3380.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1887 तारीख 8-7-95 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन विछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित किया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

तत्पश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्णय किया है।

अतः अब उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, भारत सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विछाने के प्रयोजन के लिए एतद्द्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार ने निहित होने के बजाए, भारतीय गैस प्राधिकरण लिमिटेड में सभी बाधाओं में सुवन रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जोत्तमन सीटीएफ संधिगापुर रोड

राज्य : गुजरात

तालुका : मेहेसाणा जिला : मेहेसाणा

गांव	क्रम सं. ब्लॉक सं.	क्षेत्र		
		हेक्टेयर	एरिया	सेंटी एरिया
पुनामन	126	00	07	10
ओ.एन.जी.सी. कच्छ रोड		00	00	35
	127	00	06	05
	116	00	01	85
	115	00	01	60
	114	00	01	20
	113	00	02	65
		00	20	80

[सं. एल.-14016/19/94-जी.पी.]

अर्थेन्दु सें. निदेशक

New Delhi, the 13th December, 1995

S.O. 3380.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1887 dated 8-7-95 under sub-section (1) of section 3 of the petroleum and Minerals Pipeline (Acquisition of Right of User in Lands) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

SHOBHASAN CTF to VIJAPUR ROAD

State : Gujarat Taluqa : : Mehsana District : Mehsana

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centi-are
Punasan	126	00	07	10
	ONGC Kacch Road	00	00	35
	127	00	06	05
	116	00	01	85
	115	00	01	60
	114	00	01	20
	113	00	02	65
		00	20	80

[No. I- 14016/7 94 GP]

ARDULINDU SEN, Director

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 3381.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का प्रजनन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1886 तारीख 8-7-95 द्वारा भारत सरकार ने उक्त अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन बिछाने के प्रयोजन के लिए अर्जित करने का अपना आग्रह घोषित किया था।

और यतः नक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार का रिपोर्ट दे दी है।

नतपश्चात्, भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से सलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अद्य उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एनड्वारा घोषित करती है कि इस अधिसूचना में सलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एनड्वारा अर्जित किया जाना है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लिमिटेड में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

बहु ई. पी. एम. से पायोनियर इंडस्ट्रीज

राज्य : गुजरात तालुका : कड़ी जिला : मेहसाणा

गांव	क्रम सं. अधिक	क्षेत्र		
		वैकटकर	परिया	सेटि परिया
बहु	बहु रोड से	00	01	43
	बहु ई. पी. एम.			
	240/1	00	21	97
	240/2			
	244	00	09	58
		00	32	98

[सं. एन-14016/19/94-जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 13th December, 1995

S.O. 3381.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1886 dated 8-7-95 under sub-section (1) of section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

WADU EPS TO PIONEER INDUSTRIES

State : Gujarat Taluka : Kadi District : Mahesana

Village	Sr. No. Block No.	Area		
		Hectare	Acres	Centi-Acre
Wadu	Road Waduto			
	Wadu EPS	00	01	43
	240/1			
	240/2	00	21	97
	241	00	09	38
		00	32	98

[No. L-14016/19/94-GP]

ARDHENDU SEN, Director

नई दिल्ली, 13 दिसम्बर, 1995

का. आ. 3382.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) के द्वारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 1888 तारीख 8-7-95 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइन विछाने के प्रयोजन के लिए अजित करने का अपना वाक्य घोषित किया था।

और यतः यक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

अतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अजित करने का विनिश्चय किया है।

अतः अब उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करता है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन विछाने के प्रयोजन के लिए एतद्वारा अजित किया जाता है।

अतः इस धारा का उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लिमिटेड में सभी वाध्याओं से मुक्त रूप में घोषणा के प्रकाशन को इस तारीख को निहित होगा।

अनुसूची

टी. प्वाइंट ऑफ सोभासन सी. टी. एफ. से अशोक

इंडस्ट्रीज

राज्य : गुजरात		तालुका : मेहसाणा		जिला : मेहसाणा	
गाँव	क्रम नं. ब्लॉक सं.	परिया			
		हेक्टेअर	आरे	सेंटी आरे	
सोभासन	29	00	09	93	
	28/1	00	08	13	
	27/1	00	08	26	
		00	26	34	

[नं. एन.-14016/19/94-जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 13th December, 1995

S.O. 3382.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1888 dated 8-7-95 under sub-section (1) of section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

T' Point of Sobhasan CTF-Line to Ashok

State : Gujarat Taluka : Mahesana District : Mahesana

Village	Sr. No. Block No.	Area		
		Hectare	Acres	Centi-Acre
Sobhasan	29	00	09	95
	28/1	00	08	13
	27/1	00	08	26
		00	26	34

[No. L-14016/19/94-GP]

ARDHENDU SEN, Director

नई दिल्ली, 13 दिसम्बर, 1995

New Delhi, the 13th December, 1995

का. प्रा. ग. 3382.—वत. पेट्रोलियम और गैसों का राष्ट्रीय कानून (भूमि में उपयोग के अधिकार का अधिनियम) अधिनियम 1962 (1962 का 50) की धारा की 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. 1885 तारीख 8-7-95 द्वारा भारत सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को राष्ट्र लाइन रिहायश के प्रयोग के लिए अर्जित करने का अपना प्राथम्य घोषित किया था।

यह का. प्रा. मन्त्रम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

अतः भारत सरकार ने उक्त रिपोर्ट पर विचार करके निश्चयपूर्वक इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिर्देश किया है।

अतः प्रत्येक अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार राष्ट्र लाइन रिहायश के प्रयोग के लिए एतद्वारा अर्जित किया जाता है।

अतः इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लिमिटेड में सभी वादाग्रों से मुक्त रूप से, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

राज्य : गुजरात, ता. ए. ए. सी. अहमदाबाद

राज्य : गुजरात, तालुका : दामकोड, जिला : अहमदाबाद

गांव : सर्वे नं. परिया

ब्लॉक नं.

हेक्टेयर आरे सेंटीमीटर

हार्थिजन	00	01	60
635	00	00	85
654	00	00	04
उल्हू. धो. एम.	00	01	69
मार्ग नं.			
ग्रो. एन. जी. सी.			
652	00	05	90
राजीव से हार्थिजन			
मार्ग	00	01	32
489	00	08	65
188	00	00	45
	00	21	00

[सं. एल. - 4016/19/94-जी. पी.]

अर्धेन्द्र सेन, निदेशक

S.O. 3383.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 1885 dated 8-7-95 under sub-section (1) of section 3 of the petroleum and Minerals Pipelines (Acquisition of Right of User in Land, Act 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification.

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declare that the right of user in the said lands specified in the schedule to this appended notification hereby acquired for laying the pipeline.

And further in exercise of the powers conferred by sub-section (1) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Gas Authority of India Ltd. free from all encumbrances.

SCHEDULE

ROMAL GCS TO AEC AHMEDABAD

State : Gujarat Taluka : Daskroi Dist. Ahmedabad

Village	Sr. No. Block No.	Area		
		Hectare	Are	Centi are
Hathijan		00	01	60
	655	00	00	85
	654	00	00	04
WRM Road to				
ONGC		00	01	69
	652	00	05	90
Ramol to Hathijan				
Road		00	01	82
	489	00	08	65
	488	00	00	45
		00	21	00

[No. L-4016/19,94-GP]

ARDHENDU' SFN, Director

नई दिल्ली, 13 दिसम्बर, 1995

का. प्रा. 3384.—केन्द्रीय सरकार, राजभाषा (संघ के जासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम (4) के अन्तर्गत से पेट्रोलियम और प्राकृतिक गैस मंत्रालय के अधीनस्थ सरकारी क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को जिनके 80 प्रतिशत कर्मचारी बृहत् नं. डिप्टी का कार्यमाश्रक ज्ञान प्राप्त कर लिया है अधिसूचित करती है:—

1. इंजीनियर्स चैंडिया लि०,

एन.पी.सी.सी. परियोजना,

राजस्थान : नागोडाणे

जिला : राजसम (महाराष्ट्र) पिन-402106

2. इंजीनियर्स इंडिया लि०
एन बी जे अपग्रेडेशन, वाघोडिया
जिला : वडोदा (गुजरात)
पिन : 391760
3. इंजीनियर्स इंडिया लि०,
एन पी सी एल साइट
माहुल, बम्बई (महाराष्ट्र)
(पिन : 400074)
4. इंजीनियर्स इंडिया लि०,
अतिप्राप्ति कार्यालय
10, सरोज भवन, डा० अम्बेडकर रोड,
पुणे (महाराष्ट्र)
(पिन : 411001)
5. इंजीनियर्स इंडिया लि०,
ओ ई डी फील्ड कार्यालय,
निर्मल बिल्डिंग, 11 वां तल, नारिमन प्वाइंट,
बम्बई 400021
6. इंजीनियर्स इंडिया लि०,
अतिप्राप्ति कार्यालय
प्रीमियर चैम्बर्स, आर० सी० दत्त रोड,
अनकापुरी, वडोदा (गुजरात)
(पिन 390005)
7. इंजीनियर्स इंडिया लि०,
ओ एन जी सी
डाकघर : उमरग-400702
जिला : रायगढ़ (महाराष्ट्र)
8. इंजीनियर्स इंडिया लि०,
कांडगा : भाटडा पाथर लाइन
प्लॉट नं. 172, सेक्टर-1 ए
गांधीधाम -370201 (गुजरात)
9. इंडियन आयल कार्पोरेशन लि०,
क्षेत्रीय कार्यालय रायपुर
एन आई सी बिल्डिंग, जीवन बीमा मार्ग,
पंडरी, रायपुर (मध्य प्रदेश)
10. इंडियन आयल कार्पोरेशन लि०,
मंडाव कार्यालय रायपुर,
एन आई सी बिल्डिंग,
जीवन बीमा मार्ग,
पंडरी,
रायपुर (मध्य प्रदेश)
11. इंडियन आयल कार्पोरेशन
मंडाव कार्यालय, जबलपुर,
ब्लॉक नं० 9, दूसरी मंजिल
सिविक सेक्टर, मंडाना
जबलपुर (मध्य प्रदेश)

12. इंडियन आयल कार्पोरेशन लि०,
क्षेत्रीय कार्यालय जबलपुर,
क्षेत्रीय कार्यालय इन्डियन
प्रमोशंस चैंबर, आदर्श नगर,
जबलपुर-302004
13. हिन्दुस्तान पेट्रोलियम कार्पोरेशन लि०
प्रधान कार्यालय,
17 जमसेदजी टाटा राड,
बम्बई-400020
14. कार्यालय महाप्रबन्धक-पश्चिमी अंचल
आर.एण्ड सी बिल्डिंग,
मर जे० जे० राड भायखला,
बम्बई-400008
15. आई. बी. पी. कॉ. लि०,
प्रसाधित कार्यालय, आगरा "जीवन प्रकाश" तृतीय तल,
मजरा एनम, आगरा-282002

[स० 1191/1/95 हिन्दी (ए)]

कृष्ण कान्त झा, उपा निदेशक (रा.भा.)

New Delhi, the 13th December, 1995

S.O. 3384.—In pursuance of Sub Rule (4) of Rule 10 of the official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Public Sector Undertakings under the control of the Ministry of Petroleum and Natural Gas, the staff whereof have acquired 80 per cent working knowledge of Hindi :—

1. Engineers India Ltd.
MGCC Project
P.O. : Nagothane
Distt. Rajgarh (Maharashtra)
Pin-402106.
2. Engineers India Ltd.
H B. J Upgradation, Vaghodia,
Distt. BARODA (Gujrat)
(Pin-391760).
3. Engineers India Ltd.
HPCL site,
Mahul, Bombay (Maharashtra)
(Pin-400074).
4. Engineers India Ltd.
Procurement Office
10, Saroj Bhawan,
Dr. Ambedkar Road,
Pune-411001.
5. Engineers India Ltd.
OED Field Office
Nirmal Building,
11th Floor, Nariman Point,
(Bombay-400021).

नई दिल्ली, 13 दिसम्बर 1995

6. Engineers India Ltd.
Procurement Office
Premier Chambers,
R. C. Datt Road,
Alkapuri, Baroda (Gujrat)
(Pin-390005).
7. Engineers India Ltd.
ONGC
P.O. : Urban-(Pin-400702
Distt. Raigarh (Maharashtra)
8. Engineers India Ltd.
Kandla-Bhatinda Pipeline,
Plot No. 172, Sector-1A,
Gandhi Dham-370201 (Gujrat)
9. Indian Oil Corporation Ltd.
Raipur Area Office
LIC Building,
Jivan Bima Marg,
Pandari,
Raipur (Madhya Pradesh).
10. Indian Oil Corporation Ltd.
Raipur Divisional Office
LIC Building,
Jivan Bima Marg,
Pandari,
Raipur (Madhya Pradesh).
11. Indian Oil Corporation Ltd.
Jabalpur Divisional Office
Block No. 9, 2nd Floor,
Civic Centre, Marhatal,
Jabalpur (Madhya Pradesh).
12. Indian Oil Corporation Ltd.
Jaipur Area Office
Indane Area Office,
Ashok Chowk, Adarsh Nagar,
Jaipur-302004.
13. Hindustan Petroleum Corporation Ltd.
Head Office
17, Jamshedji Tata Road,
Bombay-400020.
14. Office of the General Manager
(Western Zone),
R&C Building, Sir J J Road,
Bhaikhala, Bombay-400008.
15. IBP Co. Ltd.
Agra Divisional Office
'Jeevan Parkash' 3rd Floor,
Sanjay Place, Agra-282002.

[No. 11011/195-Hind(A)]

K. K. JHA, Dy. Director (O.L.)

का. आ. 3385.-केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस संश्लेषण के प्रशासनाधीन सरकारी क्षेत्र के उपक्रम के निम्नलिखित कार्यालयों को जिनके 80 प्रतिशत कर्मचारी वृत्त ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया था, को उनके समस्त याता अतिरिक्त अधिगुणता संख्या के अन्तर्गत अधिगुचित किया गया था:

कार्यालय	अधिगुणता संख्या तथा दिनांक
1. इंजीनियर्स इंडिया लि. सं. 1101 (18)/91-हिन्दी गुजरात हाइड्रोक्रैकर प्रोजेक्ट, दिनांक 19 फरवरी, 1992 ब्राकवम जवाहर नगर दिना. बड़ीम-391220	
2. इंजीनियर्स इंडिया लि. सं. 11011/1/93-हिन्दी ओ ई डी प्रोजेक्ट, मंगलोर दिनांक 18 जनवरी, 1994 याई एन एस पी डी परिसर पानाम्पूर मंगलोर	
3. इंजीनियर्स इंडिया लि. सं. 11011/1/93-हिन्दी हैट्रोक्रैकर हापरेजेशन लि. दिनांक 18 जनवरी, 1994 वाडिया, भडौच (गुजरात)	

2. प्रव. उपर्युक्त कार्यालय चूंकि कार्य पूरा होने पर बंद कर दिए गए हैं, इसलिए, केन्द्रीय सरकार उन कार्यालयों को अनधिगुचित करती है।

[संख्या- 11011/1/95 हिन्दी-(बी)]

कृष्ण कान्त झा, उप निदेशक (रा. भा.)]

New Delhi, the 13th December, 1995

S.O. 3385.-In pursuance of Sub-Rule (4) of Rule 10 of the official Language (Use for official purposes of the Union) Rules, 1976, the Central Government had notified the following offices of the Public Sector Undertakings of the Ministry of Petroleum & Natural Gas, the staff whereof had acquired 80 per cent of working knowledge of Hindi, vide aforesaid Ministry's Notification Numbers as noted against each:-

Office	Notification No. and date
1. Engineers India Limited Gujrat Hydrocracker Project P.O. Jawahar Nagar Distt : Baroda - 391220	No. 1101(18)/91-Hindi dt. 19 Feb., 1992
2. Engineers India Limited O F D Project Mangalore Yard, K-M E F complex, Pannambur, Mangalore	No. 11011/1/93-Hindi dt. 18 Jan. 1994

3. Engineer, India Limited No. 11011/1/93-Hindi
Petrofills Corporation Ltd dt. 18 Jan., 1995
Walia, Bharauch (Gujarat)

2. Now, as aforesaid offices have since been closed on completion of the task, the Central Government, therefore, denotifies these offices.

[No. 11011/1/93-Hindi (B)]
K.K. JAIN, Dy. Director (O.L.)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 8 दिसम्बर, 1995

का.आ. 3386. — भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के खण्ड (ख) के उपबन्ध के अनुसरण में, डा. एस. के. बसु, प्राचार्य, तार्थ बंगाल मेडिकल कॉलेज, सिलिगुड़ी की साथ बंगाल विश्वविद्यालय सभा द्वारा तारीख 19 मार्च, 1995 में तारीख 10 नवम्बर, 1998 तक भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है,

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, का.आ. 138, तारीख 9 जनवरी, 1960 द्वारा प्रकाशित भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना में निम्नलिखित गौरव संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित" शीर्षक के नीचे क्रम संख्यांक 64 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ रखी जाएँगी, अर्थात् :—

"64. डा. एस. के. बसु, प्राचार्य, तार्थ बंगाल मेडिकल कॉलेज, सिलिगुड़ी।

[बी-11013/17/95-एम.ई./यू.जी.]
एस. के. मिश्रा, जे.क. अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 8th December, 1995

S.O. 3386.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section 3 read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. S. K. Basu Principal, North Bengal Medical Col-

lege, Siliguri, has been elected by the Court of North Bengal University to be a member of Medical Council of India from 19th July, 1995 to 10th November, 1998.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Health published vide S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" for the serial number 64 and the entries relating thereto, the following serial number dated entries shall be substituted, namely :—

"64. Dr. S. K. Basu University of North Bengal"
Principal,
North Bengal Medical College,
Siliguri.

[No. V-11013/17/95-ME(UG)]

S. K. MISHRA, Desk Officer

नई दिल्ली 8 दिसम्बर, 1995

का.आ. 3387.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 7 की उपधारा (4) के साथ पठित धारा 3 की उपधारा (1) के खण्ड (ख) के उपबन्ध के अनुसरण में, डा. भद्रेश्वर दास, प्राचार्य असम मेडिकल कॉलेज, डिब्रुगढ़ को डिब्रुगढ़ विश्वविद्यालय सभा द्वारा तारीख 28 मार्च, 1995 से 10 नवम्बर 1998 तक भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, का.आ. 138, तारीख 9 जनवरी, 1960 द्वारा प्रकाशित भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना में निम्नलिखित गौरव संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित" शीर्षक के नीचे क्रम सं. 35 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ रखी जाएँगी, अर्थात् :—

"35. डा. भद्रेश्वर दास, डिब्रुगढ़ विश्वविद्यालय"
प्राचार्य,
असम मेडिकल कॉलेज,
डिब्रुगढ़

[बी-11013/13/95-एम.ई./यू.जी.]

एस. के. मिश्रा, जे.क. अधिकारी

New Delhi, the 8th December, 1995

S.O. 3387.—Whereas in pursuance of the provision of clause (b) of sub-section (1) of section (3) read with sub-section (4) of section 7 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. Bhudreswar Das, Principal, Assam Medical College, Dibrugarh has been elected by the Court of Dibrugarh University to be a member of Medical Council of India from 28th March, 1995 to 10th November, 1998.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Health published vide S.O. 138, dated 9th January, 1960, namely—

In the said notification, under the heading "Elected under clause (b) of sub-section (1) of section 3" for serial number 35 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

"35. Dr. Bhadreswar Das Dibrugarh University"
Principal,
Assam Medical College,
Dibrugarh.

[No. V-11013/13/85-ME(UG)]

S. K. MISHRA, Desk Officer

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 8 नवम्बर, 1995

का.प्र. 3388.—राजभाषा नियम, 1976 (मंच के शासकीय प्रयोजनों के लिये प्रयोग) के नियम 10 के उप-नियम (2) और (4) के अन्तर्गण में रेल मंत्रालय, रेलवे बोर्ड, मध्य तथा पूर्व रेल के निम्नलिखित कार्यालयों को, जहाँ कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, प्रशिक्षित करना है :—

मध्य रेलवे

1. वरिष्ठ विद्युत् इंजीनियर (निर्माण कार्यालय, झांसी)
2. मुख्य कारखाना प्रबंधक कार्यालय, परेल कारखाना, जबलपुर मंडल
3. सहायक इंजीनियर कार्यालय (मुख्यालय), जबलपुर
4. सहायक इंजीनियर (दक्षिण) कार्यालय, जबलपुर
5. सहायक इंजीनियर (निर्माण) कटनी जंक्शन
6. रेल स्टेशन, जबलपुर
7. रेल स्टेशन, कटनी जंक्शन
8. रेल स्टेशन, भतना
9. रेल स्टेशन, दमोह
10. रेल स्टेशन, सागर
11. रेल स्टेशन, गोहागपुर
12. रेल स्टेशन, मेहर
13. रेल स्टेशन, मानिकपुर
14. रेल स्टेशन, जंकरगढ़
15. रेल स्टेशन, नरसिंहपुर
16. रेल स्टेशन, पिपरिया
17. रेल स्टेशन, श्रीधाम
18. रेल स्टेशन, सिहौरा रोड
19. रेल स्टेशन, व्योहानी
20. मंडल चिकित्सा अधिकारी, कार्यालय सागर

3021 GI'95—5

21. रेल स्टेशन, खन्नाखंजारी
22. रेल स्टेशन, जलवार
23. रेल स्टेशन, घुर्छ
24. रेल स्टेशन, वांदकपुर
25. रेल स्टेशन, झुकेही
26. रेल स्टेशन, कटनी-मुडवाग
27. सहायक भौतिक इंजीनियर (सी एंड डब्ल्यू) कार्यालय, न्यू कटनी जंक्शन
28. मंडल भंडार नियंत्रक कार्यालय, जबलपुर
29. लोको फोरमैन कार्यालय, सागर
30. लोको फोरमैन कार्यालय, न्यू कटनी जंक्शन
31. सहायक एवं माल डिब्बा अधीक्षक कार्यालय, भतना
भोपाल मंडल :
32. सहायक भंडार नियंत्रक (डी) कार्यालय, इटारसी
33. मुख्य चिकित्सा अधिकारी कार्यालय, भोपाल
34. सहायक इंजीनियर कार्यालय, भोपाल
35. लोको पर्वक्षेत्र कार्यालय, गुन्ना
36. विद्युत् फोरमैन (अनुरक्षण) कार्यालय, भोपाल
37. विद्युत् फोरमैन (अनुरक्षण) कार्यालय, जीना
38. विद्युत् फोरमैन (अनुरक्षण) कार्यालय, इटारसी
39. लोको फोरमैन (अनुरक्षण) कार्यालय, तथा साट
इटारसी
- मोलापुर मंडल :
40. रेल स्टेशन, पंढरपुर
41. रेल स्टेशन, सांगोला
42. रेल स्टेशन, रामालीग
43. रेल स्टेशन, येछणी
- भुसावल मंडल :
44. रेल स्टेशन, भुसावल
45. रेल स्टेशन, ननमाड
46. रेल स्टेशन, नासिक रोड
47. रेल स्टेशन, जलगांव
48. रेल स्टेशन, मूलाजापुर
49. रेल स्टेशन, मंडवी
50. रेल स्टेशन, लखेरा
51. रेल स्टेशन, चालीमगांव
52. रेल स्टेशन, पागीगा
53. रेल स्टेशन, जेजोत
54. रेल स्टेशन, देवखाली
55. रेल स्टेशन, ग्रामगांव
56. रेल स्टेशन, धुले
57. रेल स्टेशन, अमरावती

58. रेल स्टेशन, नेपालगढ़

59. रेल स्टेशन, मलकापुर

60. वरिष्ठ मंडल लेखा अधिकारी कार्यालय, भुसावल

61. मवारी तथा माल डिब्बा अधीक्षक कार्यालय, भुसावल

झांसी मंडल

62. मंडल यांत्रिक इंजीनियर कार्यालय (डी), झांसी

63. उपमुख्य विजली इंजीनियर कार्यालय (नि.), झांसी

64. सहायक इंजीनियर कार्यालय (मुख्यालय), झांसी

65. रेल स्टेशन, झांसी

66. रेल स्टेशन, इबरा

67. रेल स्टेशन, ग्वालियर

68. रेल स्टेशन, मुरना

69. सहायक मंडल चिकित्सा अधिकारी कार्यालय, ग्वालियर

70. रेल स्टेशन, धौलपुर

71. रेल स्टेशन, आगरा कैंट

72. रेल स्टेशन, राजाकी मंडी

73. मंडल चिकित्सा अधिकारी कार्यालय, मथुरा

74. रेल स्टेशन, मथुरा

75. रेल स्टेशन, बोसी कलां

76. रेल स्टेशन, पलवल

77. रेल स्टेशन, महोबा

78. रेल स्टेशन, बरलभगढ़

79. रेल स्टेशन, बहिलपुरवा

80. रेल स्टेशन, पारीछा

81. रेल स्टेशन, चिरगांव

82. रेल स्टेशन, कालपी

83. रेल स्टेशन, पुरखराया

84. रेल स्टेशन, लालपुर

85. रेल स्टेशन, बिजौली

86. रेल स्टेशन, बबीना

87. रेल स्टेशन, मानादीला

88. रेल स्टेशन, विजगीठा

89. रेल स्टेशन, जीरान

90. रेल स्टेशन, जाखलीन

91. रेल स्टेशन, बसई

92. रेल स्टेशन, तालवेहट

93. सहायक इंजीनियर (ब. लाईन), ग्वालियर

94. लोको फोरमैन कार्यालय, आगरा

95. मंडल यांत्रिक इंजीनियर (डी) कार्यालय, आगरा छावनी

96. रेल स्टेशन, बाद

97. रेल स्टेशन, फरीदाबाद

98. वरिष्ठ मंडल चिकित्सा अधिकारी कार्यालय, बांदा

99. सहायक विजली इंजीनियर (टी.डी.) कार्यालय, ललितपुर

100. रेल स्टेशन, ललितपुर

101. सहायक मंडल चिकित्सा अधिकारी कार्यालय, कानपुर

102. मंडल चिकित्सा अधिकारी कार्यालय, उरई

नागपुर मंडल

103. मुख्य चिकित्सा अधीक्षक कार्यालय, नागपुर

104. रेल स्टेशन, भरतवाड़ा

105. रेल स्टेशन, कलमेश्वर

106. रेल स्टेशन, कोहली

107. रेल स्टेशन, मोतखाव

108. रेल स्टेशन, मेटपांजरा

109. रेल स्टेशन, काटोल

110. रेल स्टेशन, कलमा

111. रेल स्टेशन, निमखेडा

112. रेल स्टेशन, नरखेडा

113. रेल स्टेशन, दारामेटा

114. रेल स्टेशन, पादुरना

115. रेल स्टेशन, निगांव

116. रेल स्टेशन, घुडनखापा

117. रेल स्टेशन, चिचोड़ा

118. रेल स्टेशन, हतनापुर

119. रेल स्टेशन, मुलताई

120. रेल स्टेशन, जौनखेडा

121. क्षेत्रीय अधिकारी कार्यालय, आमला

122. सहायक सिगनल एवं दूर संचार इंजीनियर (अनुक्षण) कार्यालय, आमला

123. सहायक विद्युती इंजीनियर (कंपन विद्युत्) कार्यालय, आमला

124. रेल स्टेशन, जम्बारा

125. रेल स्टेशन, धौरधई

126. रेल स्टेशन, नवेगांव

127. रेल स्टेशन, हिरदागढ़

128. रेल स्टेशन, जुन्नारदेव

129. रेल स्टेशन, पालाचौरी

130. रेल स्टेशन, एकलेहरा

131. रेल स्टेशन, परासिया

132. रेल स्टेशन, बरमाली

133. रेल स्टेशन, मलकापुर रोड

134. रेल स्टेशन, बैतूल

135. रेल स्टेशन, मरामाझी

- | | |
|---|--|
| 136. रेल स्टेशन, धाराखोह | 177. रेल स्टेशन, वहेगांव |
| 137. रेल स्टेशन, घोडाडोंगरी | 178. रेल स्टेशन, कवठा |
| 138. रेल स्टेशन, बरबसपुर | 179. रेल स्टेशन, तलनी |
| 139. रेल स्टेशन, मगरछोह | 180. रेल स्टेशन, धामनगाव |
| 140. रेल स्टेशन, बोहरामोहर | 181. रेल स्टेशन, बिपौर |
| 141. रेल स्टेशन, पोलापथर | 182. रेल स्टेशन, चांदूर |
| 142. रेल स्टेशन, कालाआखर | 183. रेल स्टेशन, मजारीखदान |
| 143. रेल स्टेशन, सहेली | 184. रेल स्टेशन, वाणी |
| 144. रेल स्टेशन, ताक | 185. रेल स्टेशन, राजूर |
| 145. रेल स्टेशन, केमला | 186. रेल स्टेशन, आर्थी |
| 146. रेल स्टेशन, कीरतगढा | 187. रेल स्टेशन, मालखेड |
| 147. वर्ग, मंडल बिजली इंजीनियर (टो. आर. एम.)
कार्यालय, अजनी | बंबई मंडल |
| 148. उपमुख्य इंजीनियर (निर्माण) कार्यालय, अजनी | 188. रेल स्टेशन, सायन |
| 149. रेल स्टेशन, खापरी | 189. रेल स्टेशन, धारटकोपर |
| 150. रेल स्टेशन, गुमगांव | 190. रेल स्टेशन, दिवा |
| 151. रेल स्टेशन, बटोबोरी | 191. रेल स्टेशन, मुद्दा |
| 152. रेल स्टेशन, बोरखेड़ी | 192. रेल स्टेशन, कल्याण |
| 153. रेल स्टेशन, सिंदी | 193. सहायक इंजीनियर कार्यालय (अनु.), पनवेल/डोंबिवली
(स्थायी) |
| 154. रेल स्टेशन, तुलजापुर | 194. सहायक इंजीनियर (रेल पथ) कार्यालय, कल्याण |
| 155. रेल स्टेशन, सेलूरोड | 195. सहायक इंजीनियर कार्यालय (निर्माण), कल्याण
पूर्व रेल (धनबाद मंडल) |
| 156. रेल स्टेशन, सेवाग्राम | 196. रेल स्टेशन, बरवाडीह जंक्शन |
| 157. रेल स्टेशन, वर्धा | 197. लोको फोरमैन कार्यालय, बरवाडीह |
| 158. सहायक बिजली इंजीनियर (टी. डी.) कार्यालय, वर्धा | 198. मुख्य निर्माण निरीक्षक (कार्यालय) बरवाडीह |
| 159. सहायक निगमन एवं दूर संचार इंजीनियर (अनु.)
कार्यालय, वर्धा | 199. रेल स्टेशन, गढ़वारोड |
| 160. रेल स्टेशन, भूगाव | 200. लोको फोरमैन कार्यालय, गढ़वारोड |
| 161. रेल स्टेशन, मोनेगांव | |
| 162. रेल स्टेशन, बाघांली | |
| 163. रेल स्टेशन, हिंगनघाट | |
| 164. रेल स्टेशन, येनोर | |
| 165. रेल स्टेशन, नागरी | |
| 166. रेल स्टेशन, चिकनीरोड | |
| 167. रेल स्टेशन, वरीगा | |
| 168. रेल स्टेशन, मात्रगी | |
| 169. रेल स्टेशन, भादक | |
| 170. रेल स्टेशन, तडाली | |
| 171. रेल स्टेशन, छोटपडोली | |
| 172. रेल स्टेशन, विवेकानंदनगर | |
| 173. रेल स्टेशन, चंद्रपुर | |
| 174. रेल स्टेशन, यादूपेठ | |
| 175. रेल स्टेशन, बरहामोहर | |
| 176. रेल स्टेशन, पुलगाव | |

[सं. हिंदी-95/रा.भा. 1/12/1]

एस.ए.ए. जैदी, सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 8th November, 1995

S.O. 3388.—In pursuance of sub-rules (2) and (4) of Rule 10 of the Official Language (Use for the Official purposes of the Union) Rules, 1976, the Ministry of Railways (Railway Board) hereby notify the following Offices of Central and Eastern Railway, where the staff have acquired the working knowledge of Hindi :—

CENTRAL RAILWAY

1. Office of the Electric Engineer (Works), Jhansi.
2. Office of the Chief Workshop Manager, Parcel Workshop.

JABALPUR DIVISION

3. Office of the Assistant Engineer (HQ), Jabalpur.
4. Office of the Assistant Engineer (South), Jabalpur.
5. Office of the Assistant Engineer (works), Katni Jn.
6. Railway Station, Jabalpur.
7. Railway Station, Katni Jn.

8. Railway Station, Satna.
9. Railway Station, Damoh.
10. Railway Station, Sagar.
11. Railway Station, Sohagpur.
12. Railway Station, Maihar.
13. Railway Station, Manipur.
14. Railway Station, Shankergarh.
15. Railway Station, Narsinghpur.
16. Railway Station, Piparia.
17. Railway Station, Shridham.
18. Railway Station, Sihora Road.
19. Railway Station, Beoharia.
20. Office of the Divisional Medical Officer, Sagar.
21. Railway Station, Khannabanjari.
22. Railway Station, Jaitwa.
23. Railway Station, Khurai.
24. Railway Station, Bandalpur.
25. Railway Station, Tukchi.
26. Railway Station, Katni-Murwara.
27. Office of Asst. Mechanical Engineer (C&W), New Katni Jn.
28. Office of Divisional Controller of Stores, Jabalpur.
29. Office of the Loco Foreman, Sagar.
30. Office of the Loco Foreman, New Katni Junction.
31. Office of the Carriage & Wagon Supdt. Satna.

BHOPAL DIVISION

32. Office of the Assistant Controller of Stores (D), Itarsi.
33. Office of the Chief Medical Supdt., Bhopal.
34. Office of the Assistant Engineer, Bhopal.
35. Office of the Loco Supervisor, Guna.
36. Office of the Loco foreman (Maintenance), Bhopal.
37. Office of the Electrical Foreman (Maintenance), Bina.
38. Office of the Loco foreman (Maintenance), Itarsi.
39. Office of the Loco foreman (Maintenance), New Yard, Itarsi.

SOLAPUR DIVISION

40. Railway Station, Pandharpur.
41. Railway Station, Sangola.
42. Railway Station, Ramling.
43. Railway Station, Yedsi.

BHUSAWAL DIVISION

44. Railway Station, Bhusawal.
45. Railway Station, Manmad.
46. Railway Station, Nasik Road.
47. Railway Station, Jalgaon.
48. Railway Station, Murtizapur.
49. Railway Station, Khandwa.
50. Railway Station, Badnera.
51. Railway Station, Chalisgaon.
52. Railway Station, Pachora.
53. Railway Station, Shegaon.
54. Railway Station, Deolali.
55. Railway Station, Khamgaon.
56. Railway Station, Dhule.
57. Railway Station, Amaravati.
58. Railway Station, Nopanagar.
59. Railway Station, Malkapur.
60. Office of the Senior Divisional Accounts Officer, Bhusawal.
61. Office of the C&W Supdt., Bhusawal.

JHANSI DIVISION

62. Office of the Divisional Mechanical Engineer (D), Jhansi.
63. Office of the Deputy Chief Electric Engineer (Cons.) Jhansi.

64. Office of the Assistant Engineer (HQ), Jhansi.
65. Railway Station, Jhansi.
66. Railway Station, Dubai.
67. Railway Station, Gwalior.
68. Railway Station, Muraina.
69. Office of the Assistant Divisional Medical Officer, Gwalior.
70. Railway Station, Dhaulpur.
71. Railway Station, Agra Cantt.
72. Railway Station, Raja Ki Mandi.
73. Office of Divisional Medical Officer, Mathura.
74. Railway Station, Mathura.
75. Railway Station, Kosikalan.
76. Railway Station, Patwal.
77. Railway Station, Mainoba.
78. Railway Station, Ballabgarh.
79. Railway Station, Babilpurwa.
80. Railway Station, Parichha.
81. Railway Station, Churgaon.
82. Railway Station, Kalpi.
83. Railway Station, Purkharayan.
84. Railway Station, Lalpur.
85. Railway Station, Bijouli.
86. Railway Station, Babina.
87. Railway Station, Maratila.
88. Railway Station, Bijraotha.
89. Railway Station, Jirou.
90. Railway Station, Jakhlaun.
91. Railway Station, Basai.
92. Railway Station, Talbehat.
93. Office of the Assistant Engineer (B.G.), Gwalior.
94. Office of the Loco foreman, Agra.
95. Office of the Divisional Mechanical Engineer (D), Agra Cantt.
96. Railway Station, Bad.
97. Railway Station, Faridabad.
98. Office of the Senior Divisional Medical Officer, Banda.
99. Office of the Assistant Electric Engineer (TD), Lalitpur.
100. Railway Station, Lalitpur.
101. Office of the Assistant Divisional Medical Officer, Kanpur.
102. Office of the Divisional Medical Officer, Urai.

NAGPUR DIVISION

103. Office of the Chief Medical Supdt., Nagpur.
104. Railway Station, Bharatwara.
105. Railway Station, Kameshwar.
106. Railway Station, Kohli.
107. Railway Station, Sonkhamb.
108. Railway Station, Metpanjra.
109. Railway Station, Katol.
110. Railway Station, Kalambha.
111. Railway Station, Tinkheda.
112. Railway Station, Narkhera.
113. Railway Station, Darimeta.
114. Railway Station, Pandhurna.
115. Railway Station, Teegaon.
116. Railway Station, Gundankhapa.
117. Railway Station, Chichonda.
118. Railway Station, Hatnapur.
119. Railway Station, Multai.
120. Railway Station, Jaukheda.
121. Office of the Area Officer, Amla.
122. Office of Signal & Telecom Engineer (Maintenance), Amla.
123. Office of the Assistant Electric Engineer (TD), Amla.
124. Railway Station, Jabbara.
125. Railway Station, Bordhadi.
126. Railway Station, Navgaon.

127. Railway Station, Hirdagarh.
128. Railway Station, Junnardeo.
129. Railway Station, Palachauri.
130. Railway Station, Iklehra.
131. Railway Station, Parasia.
132. Railway Station, Barsali.
133. Railway Station, Malkapur Road.
134. Railway Station, Betul.
135. Railway Station, Maramjhiri.
136. Railway Station, Dharakhoh.
137. Railway Station, Ghoradongri.
138. Railway Station, Barbatpur.
139. Railway Station, Magardoh.
140. Railway Station, Dhodramohar.
141. Railway Station, Pokipathar.
142. Railway Station, Kala-Akhar.
143. Railway Station, Saheli.
144. Railway Station, Taku.
145. Railway Station, Kasala.
146. Railway Station, Kiratgarh.
147. Office of the Senior Divisional Electric Engineer, (TRS), Ajni.
148. Office of the Deputy Chief Engineer (Con.), Ajni.
149. Railway Station, Khapri.
150. Railway Station, Gumgaon.
151. Railway Station, Butibori.
152. Railway Station, Borkhed.
153. Railway Station, Sindi.
154. Railway Station, Tuljapur.
155. Railway Station, Seloo Road.
156. Railway Station, Sewagram.
157. Railway Station, Wardha.
158. Office of the Assistant Electric Engineer (TD), Wardha.
159. Office of the Assistant Signal & Telecom Engineer, Wardha.
160. Railway Station, Bhugaon.
161. Railway Station, Sonagaon.
162. Railway Station, Wagholi.
163. Railway Station, Hinganghat.
164. Railway Station, Yenor.
165. Railway Station, Nagri.
165. Railway Station, Chikni-Road.
167. Railway Station, Warora.
168. Railway Station, Majri.
169. Railway Station, Bhandak.
170. Railway Station, Tadafi.
171. Railway Station, Chotipadoli.
172. Railway Station, Vivekanand Nagar.
173. Railway Station, Chandrapur.
174. Railway Station, Babupeth.
175. Railway Station, Balharshah.
176. Railway Station, Pulgaon.
177. Railway Station, Dehgaon.
178. Railway Station, Kaottha.
179. Railway Station, Talni.
180. Railway Station, Dhamangaon.
181. Railway Station, Dipore.
182. Railway Station, Chandur.
183. Railway Station, Majri Khadan.
184. Railway Station, Wani.
185. Railway Station, Rajur.
186. Railway Station, Arvi.
187. Railway Station, Malkhet.

BOMBAY DIVISION

188. Railway Station, Sion.
189. Railway Station, Chateoper.
190. Railway Station, Diwa.

191. Railway Station, Mumbra.
192. Railway Station, Kalyan.
193. Office of the Assistant Engineer (Maintenance) Panvel at Dombivli.
194. Office of the Assistant Engineer (T), Kalyan.
195. Office of the Assistant Engineer (Works), Kalyan.

EASTERN RAILWAY (DHANBAD DIVISION)

196. Railway Station, Barwadih Jn.
197. Office of the Loco foreman, Barwadih.
198. Office of the Chief Inspector of works, Barwadih.
199. Railway Station, Garwaroad.
200. Office of the Loco foreman, Garwa Road.

[No. Hindi-95/OI-1/12/1]

S. A. A. ZAMDI, Secy.

युक्त सचिव

नई दिल्ली, 21 दिसम्बर, 1995

का.प्र. 3389.—केन्द्रीय श्याम रेशम बोर्ड अधिनियम 1948 (1948 का 61) की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्र सरकार, भारत सरकार, युक्त सचिव के मा. आ. सं 802 (ई) दिनांक 7 नवम्बर, 1994 की अधिसूचना में निम्नलिखित संशोधन करती है—

उक्त अधिसूचना में प्रस. सं. 1 तथा उसके संबंधित प्रविष्टि के खान पर निम्नलिखित जोड़ा जाएगा नामतः

श्री एन रामाकृष्णन केन्द्र सरकार द्वारा अधिनियम संयुक्त सचिव (श्याम). की धारा 1(3) (ख) के युक्त सचिव अन्तर्गत नामित भारत सरकार

श्री एन रामाकृष्णन, संयुक्त सचिव को श्री यंत्रीय सेठ के स्थान पर बोर्ड के उपध्यक्ष के रूप में भी नियुक्त किया जाता है।

[का.प्र. 25012/5/94-श्याम]

एस के केकर, निदेशक

MINISTRY OF TEXTILES

New Delhi, the 21st December, 1995

S.O. 3389.—In exercise of the powers conferred by Sub-Section (3) of section 4 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby makes the following amendment in the notification of the Govern-

ment of India in the Ministry of Textiles S.O. No. 802(E) dated 7th November 1994 :—

In the said notification against Sl. No. 1 and the entry relating thereto, the following shall be inserted namely :—

Sri N. Ramakrishnan
Joint Secretary (Silk),
Ministry of Textiles,
Government of India.
Nominated by the
Central Government
under Section 4(3)(b)
of the Act.

Shri N. Ramakrishnan, Joint Secretary is also appointment as Vice-Chairman of the Board vice Shri Ajit Seth.

(F. No. 25012/5/94-Silk)
S. K. KESHA, Director

5. सं. 74 पार्टी (द.पू.स.) भारतीय सर्वेक्षण विभाग रांची।
6. सं. 92 पार्टी (द.पू.स.) भारतीय सर्वेक्षण विभाग, वाराणसी।
7. सं. 22 फोटो (पूर्वोत्तर स.) भारतीय सर्वेक्षण विभाग, देहरादून।
8. सं. 85 पार्टी (द.स.स.) भारतीय सर्वेक्षण विभाग, नागपुर।
9. दक्षिणी सर्कल कार्यालय, भारतीय सर्वेक्षण विभाग, बेंगलूर।
10. सं. 21 पार्टी (द.स.) भारतीय सर्वेक्षण विभाग, तिरुवनंतपुरम।

[सं. ई.-11012/1/94-हिंदी]
डी.के. शर्मा, उपसचिव,

MINISTRY OF SCIENCE AND TECHNOLOGY

(Department of Science and Technology)

New Delhi, the 6th December, 1995

S.O. 3390.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for official purposes of the union), the Central Government hereby notifies the following offices, the 80% staff whereof have acquired a working knowledge of Hindi for the purposes of said rule :

1. Northern Region, Survey of India, Chandigarh.
2. Digital Mapping Centre, Survey of India, Dehradun.
3. Modern Mapping Centre, Survey of India, Dehradun.
4. No. 11 Party (South East Circle) Survey of India, Ranchi.
5. No. 74 Party (South East Circle) Survey of India, Ranchi.
6. No. 92 Party (South East Circle) Survey of India, Varanasi.
7. No. 22 Photo (North East Circle) Survey of India, Dehradun.
8. No. 85 Party (South Central Circle) Survey of India, Nagpur.
9. Office of the Southern Circle, Survey of India, Bangalore.
10. No. 21 Party (Southern Circle), Survey of India, Tiruanantpuram.

[No. E-11012/1/94-Hindi]
D.-K. SHARMA, Dy. Secy.

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 6 दिसम्बर, 1995

सं.आ. 3090.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमों 1976 के नियम 10 के उपनियम (4) के अनुसरण में निम्नलिखित कार्यालयों को जिनके 80% कर्मचारियों ने उक्त नियम के प्रयोजनों के लिए हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. उत्तरी क्षेत्र, भारतीय सर्वेक्षण विभाग, चण्डीगढ़।
2. अकीय मानचित्रण केन्द्र, भारतीय सर्वेक्षण विभाग, देहरादून।
3. आधुनिक मानचित्रण केन्द्र, भारतीय सर्वेक्षण विभाग, देहरादून।
4. सं. 11 पार्टी (द.पू.स.), भारतीय सर्वेक्षण विभाग, रांची।

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 13 दिसम्बर, 1995

का.आ. 3391.—केन्द्रीय सरकार ने, प्राचीन स्मारक तथा पुरातत्वीय स्थल और अधिगण अधिनियम, 1958 (1958 का 24) जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) की अपेक्षानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं.का.आ. 1400 तारीख 8 मई, 1995 द्वारा, जो भारत के राजपूत, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 27 मई, 1995 में प्रकाशित की गई थी, अनुसूची में शिनिदिष्ट स्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आणख को दो माम की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त स्मारक के समीप महत्वपूर्ण स्थान पर लगा दी गई थी।

और उक्त राजपत्र 27 मई, 1995 को जनता को उपलब्ध करा दिया गया था।

और केन्द्रीय सरकार को जनता से कोई आक्षेप प्राप्त नहीं हुआ है।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (3), द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपावृद्ध अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होना घोषित करती है।

अनुसूची

राज्य	जिला	परिक्षेत्र	संस्मारक का नाम	संरक्षण के लिए शामिल किए जाने वाले राजस्व प्लॉट संख्या	क्षेत्र	सीमाएं	स्वामित्व	टिप्पणियां
1	2	3	4	5	6	7	8	9
हिमाचल प्रदेश	मिरमौर	मानगढ़	शिव मंदिर	खसरा संख्या 5, 6, 7, 8, 9 और 10	01656.1	उत्तर : खसरा संख्या 1 पूर्व : खसरा संख्या 1 और 14 दक्षिण : खसरा संख्या 11 पश्चिम : खसरा संख्या 4	प्राइवेट	जन्य

(म्यल रेखांक उद्धृत करें)

[फा.सं. 2/37/88-एस]

वाल्मीकि प्रसाद सिंह, महानिदेशक

DEPARTMENT OF CULTURE

(Archaeological Survey of India)

New Delhi, the 13th December, 1995

S.O. 3391.—Whereas by notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S.O. 1400 dated the 8th May, 1995 published in Part-II, Section 3, Sub-section (ii) of the Gazette of India dated the 27th May, 1995, the Central Government gave two months' notice of its intention to declare the monument specified in the Schedule to be of national importance and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) herein after referred to as said Act;

And whereas the said Gazette was made available to the public on 27th May, 1995.

And whereas no objection from any person has been received by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, the Central Government hereby declares the said ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of Monument	Revenue Plot Numbers to be included under protection	Area	Boundaries	Ownership	Remarks
Himachal Pradesh	Sirmaur	Mangarh	Siva Temple	Khasra Numbers 5, 6, 7, 8, 9 and 10	016564 Hectares	North: Khasra Number 1 East: Khasra Number 1 and 14 South: Khasra Number 11 West: Khasra Number 3	Private	Nil

[F. No. 2/37/88-M]

B P. SINGH, Director General

नई दिल्ली, 12 दिसम्बर, 1995

का.आ. 3392 :- केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) की अपेक्षासुर भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं. का.आ. 1399 तारीख 8 मई, 1995 द्वारा जो भारत के राजपूत, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 27 मई, 1995 में प्रकाशित की गई थी, अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय को दो भाग की सुविधा दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य स्थान पर लगा दी गई थी,

और उक्त राजपूत 27 मई, 1995 को जनता को उपलब्ध करा दिया गया था ;

और केन्द्रीय सरकार को जनता में कोई आक्षेप प्राप्त नहीं हुआ है।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (3), द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इसमें उपाय्य अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होता घोषित करती है।

अनुसूची

राज्य	जिला	तहसील	परिक्षेत्र	संस्मारक/स्थल का नाम	संरक्षण के लिए शामिल किए जाने वाले राजस्व प्लॉट सं.	क्षेत्र	मीमांसा	स्वामित्व	टिप्पणियाँ
1	2	3	4	5	6	7	8	9	10
हरियाणा	कैथल	नारवाना	कोलायत	प्राचीन ईंटों का मंदिर जिसमें प्राचीन शिवायल भी सम्मिलित है।	खसरा सं. 485 का भाग	8.2 कैनाल	उत्तर : खसरा सं. 477 और खसरा सं. 485 का शेष भाग पूर्व : खसरा सं. 485 का शेष भाग। दक्षिण : खसरा सं. 485 का शेष भाग। पश्चिम : खसरा सं. 485 का शेष भाग	ग्राम पंचायत	ग्राम

(स्थल रेखांक उद्घृत करें)

[फा. सं. 2/47/88-एम]

वात्सुकी प्रसाद सिंह, महानिदेशक,

New Delhi, the 13th December, 1995

S.O. 3392.—Whereas by notification of the Government of India in the Department of Culture (Archaeological Survey of India) No. S.O. 1399 dated the 8th May, 1995 published in Part-II, Section 3, Sub-section (ii), of the Gazette of India dated the 27th May, 1995, the Central Government gave two months notice of its intention to declare the monument specified in the Schedule to be of national importance and a copy of the notification was affixed in a conspicuous place near the said monument as required by sub-section (1) of section 4 of the Ancient monuments and Archeological Sites and Remains Act, 1958 (24 of 1958) (herein after referred to as the said Act);

And whereas the said Gazette was made available to the public on 27th May, 1995.

And whereas no objection from any person has been received by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section(3) of section 4 of the said Act, the Central Government hereby declares the said ancient monument specified in the Schedule annexed hereto be of national importance.

SCHEDULE

State	District	Tehsil	Locality	Name of monument/ Site	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
Haryana	Kaithal	Narwana	Kalayati	Ancient Brick Temple including Prachin Sivalaya	Part of Khasra No. 485	8.2 Kanals	North:- Khasra Number 477 and remaining portion of khasra Number 485. East: Remaining portion of Khasra Number 485. South:- Remaining portion of Khasra Number 485. West: Remaining portion of Khasra Number 485.	Gram Panchayat	Nil

[F. No. 2/47/88-M]

B.P. SINGH, Director General,

श्रम मंत्रालय

नई दिल्ली, 1 दिसम्बर, 1995

का.भा. 3393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाखड़ा व्यास मनीजमेन्ट बोर्ड के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-95 को प्राप्त हुआ था।

[संख्या एल—42012/13/90-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 1st December, 1995

S.O. 3393.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on 28-11-1995.

[No. L-42012/13/90-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 178/90

Hari Lal son of Mata Parshad, resident of H. N. 581,
Ran Darbar, Phase-I, Colony, UT, Chandigarh.

Vs.

Executive Engineer, O&M Divn. BBMB Dhulkote District
Ambala.

For the workman—O. P. Batra.

For the management—N. D. Kalra.

AWARD

Dated, the 8th November, 1995

The Central Government in exercising of the powers conferred by Section 10(1)(d) of the Industrial Disputes Act, 1947 (for short called as the Act) vide letter bearing No. L-42012/13/90-IR (DU) dated 9th of November 1990, has referred the following industrial dispute for adjudication to this Tribunal for adjudication :—

“Whether the action of the Executive Engineer, O&M Divn. BBMB. Dhulkote in terminating the services of Shri Hari Lal, son of Mata Prashad w.e.f. 9-6-84 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

On receipt of the reference, notices were issued to the workman as well as to the management. The workman appeared and submitted his statement of claim demanding his reinstatement with continuity of service and back wages.

The management however denied the claim of the workman as made in the claim statement in the written statement filed, and pleaded that the claim statement is liable to be rejected.

The workman tendered his affidavit Ex. W-1 and appeared in the witness box as WW-1 and was cross-examined. The management also tendered in to evidence affidavit of Shri P. P. Wahi, XEN O&M Division BBMB Dhulkote, who was produced in the witness box and also tendered into evidence documents Ex. M-2 to Ex. M-8.

The case was fixed for arguments. However during the pendency of the proceedings workman Hari Lal died and the name of his wife Smt. Rajpati was substituted as his legal heir vide order of this Court dated 27-9-1995. However during the pendency of the proceedings, the representative of the workman offered that in case the management offered appointment to the widow of the deceased on daily wages basis, in that eventuality she will not press her claim for back wages. The rep. of the management, undertaken to take up the matter with the authorities concerned. On the request made by the representatives of the parties, this case was adjourned till 8-11-1995 for settlement.

On 8-11-1995, Smt. Rajpati widow of the workman Hari Lal deceased made the statement to the effect that the management has agreed to offer the post of T. mate in work charged capacity vide order bearing No. 10960 dated 3-11-1995, Ex. M-2. She further stated that she has given up the claim for back wages. She also stated that the reference may be answered accordingly. The rep. of the management also made the similar statement.

In view of the settlement arrived at between the parties, it is therefore, held that the widow of the deceased workman would be entitled to reinstatement in terms of the offer of appointment Ex. W-2. The parties shall be bound by their statements made in the Court which shall form part of this award.

The reference shall, stand answered in terms of settlement.

Appropriate Government be informed.
Chandigarh.

Dated : 8-11-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 1 दिसम्बर, 1995

का.भा. 3394.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास टेलीफोन के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-11-95 को प्राप्त हुआ था।

[संख्या एल—40012/185/91-आई. आर. (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 1st December, 1995

S.O. 3394.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Telephones and their workmen, which was received by the Central Government on 28-11-1995

[No. L-40012/185/91-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Wednesday, the 18th day of October, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

Industrial Dispute No. 53 of 1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Madras Telephones, Madras-10).

BETWEEN

Shri K. Karuna,
S/o Mr. Kannan,
58, Waltex Road, Jakkapuram,
Madras-10.

AND

The Chief General Manager,
Madras Telephones,
78, Purasawalkam High Road,
Madras-10.

REFERENCE :

Order No. L-40012/185/91-IR (DU) dated 19-6-92,
Ministry of Labour, Government of India, New
Delhi.

This dispute coming on this day for final disposal in the presence of Thiru S. Seshadri, Central Government Pleader, for the Management upon perusing the reference, Claim and Counter statements and other connected papers on record and the Workman being absent, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the termination of services of Shri K. Karuna, by the Management of Madras Telephones, is justified ? If not, to what relief he is entitled to ?"

No representation for Petitioner. Petitioner called absent. Petitioner was absent for several hearings. Hence industrial dispute is dismissed for default. No costs.

Dated, this the 18th day of October, 1995.

THIRU N. SUBRAMANIAN, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का.आ. 3395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-40012/121/91-आई आर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3395.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure, in

the industrial dispute between the employers in relation to the management of Telephones and their workmen, which was received by the Central Government on 5-12-1995.

[No. L-40012/121/91-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 39 of 1991

PARTIES :

Employers in relation to the management of Calcutta
Telephones

AND

Their Workmen.

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. K. S. Goswami, Advocate.

On behalf of Workman—Mr. M. S. Dutta, Advocate with
Mr. M. K. Mondal, Advocate.

STATE : West Bengal

INDUSTRY : Telephones

AWARD

By Order No. L-40012/121/91-IR (DU) dated 18-12-1991, the Central Government in exercise of its powers under Section 10(1)(d) and sub-section (2-A) thereof, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Telephones Dept. of Telecommunication, Taher Mansion, B. Bentick Street, Calcutta, in terminating the services of Shri Jayanta Banerjee, casual workman w.e.f. 1-1-89 is justified ? If not, what relief he is entitled to ?"

2. Both the workman and the management were represented by their learned counsels.

3. The workman had filed its written statement on 25-3-1992 stating therein that the workman was appointed as casual labour with effect from 1-2-1987 for underground cable maintenance works and was posted in the section of S.D.O. (Zone-iv), 26/27 Exchange (External), P-9/10 Ganesh Chandra Avenue, Calcutta-700013. According to the written statement even though the workman was called a casual labour, in fact he had been working under the Calcutta Telephones to do the jobs of personal nature which is still existent and not been abolished. The concerned workman claims to have put in sincere, clean, meritorious work and discharged his duties to the satisfaction of his superiors.

His service was terminated with effect from 1-1-1989 without assigning any reason by which date he had already put in 2 years of continuous service. According to the workman he had worked for 245 days in the year 1988 and for this, relied on a certificate given to him by the Company, which was annexed as Annexure-A to his written statement ultimately to be marked as Ext. W-1 in the case. This certificate is under the signature of one Sri A. K. Bhattacharjee who had issued this certificate on 5-4-1990. The verbal representation to the management having produced no result, he had to raise a formal industrial dispute before the Regional Labour Commissioner (Central) Calcutta by his letter dated 10-5-1990 which is annexed as Annexure-B to his written statement ultimately to be marked as Ext. W-2 in the case. This letter was actually addressed to the Assistant Labour Commissioner though stated to have been addressed to the Regional Labour Commissioner in paragraph 7 of the written statement. The workman's case is that this termination amounted to retrenchment within the meaning of Section 2(cc) of the Industrial Disputes Act 1947 and that he had

not been given the notice or notice pay, besides the retrenchment compensation as per section 25-F of the Industrial Disputes Act, 1947 which was attracted and was made applicable to his case, the termination was illegal and void ab-initio. Accordingly he should be declared to be continuing in service and that he is entitled to the full back wages. He further prays that any other order/orders as may be deemed fit and proper be also passed in the interest of justice.

4. In their written statement, management denied that this workman was ever appointed by the management of Calcutta Telephones with effect from 1-2-1987 in a permanent vacancy as alleged. According to them the workman was engaged as casual labour on purely temporary basis for a particular piece of work and on completion of which he was disengaged. It is also denied that the workman was working under the Company to do perennial nature of job in a permanent vacancy. It is also denied that the service of the workman was terminated with effect from 1-1-1989 as alleged. Management denied the assertion of the workman that he had worked for 2 years continuously and had worked for 245 days in the year 1988. According to the management he had been engaged on temporary basis as a casual worker and had worked only for 5 days (24-2-1987 to 28-2-1987) in February 1987, 24 days (2-3-1987 to 7-3-1987; 9-3-1987 to 14-3-1987; 17-3-1987 to 21-3-1987; 24-3-1987 to 28-3-1987; 30-3-1987) in March 1987, 25 days (1-4-1987 to 30-4-1987, excepting 5-4-1987, 12-4-1987, 17-4-1987, 19-4-1987 and 26-4-1987) in April 1987, again for 22 days (from 1-5-1987 to 31-5-1987, excepting 3-5-1987, 10-5-1987, 13-5-1987, 17-5-1987, 24-5-1987, 28-5-1987, 29-5-1987 and 31-5-1987) in May 1987. According to the management therefore the workman worked for a total period of 76 days in the year 1987. It was also denied by the management that the casual workman was engaged from 1-2-1987 in a permanent vacancy in underground cable maintenance work as alleged by the workman.

Management stated in its written statement that the certificate as per Annexure-A to the written statement of the workman which was now marked Ext. W-1 was not issued by the management to the workman. The alleged certificate according to the management is a departmental office document which had been subsequently found on scrutiny to be incorrect. Management denied the assertion of the workman that he had made any representation to the authorities to reinstate him in the service and the management had given verbal assurance that his case would be considered in due time. The management denied that the workman completed more than 240 days of service in the year preceding to his alleged retrenchment. The workman had according to the management only worked as a casual labour on purely temporary basis on the basis of no work no pay and had worked for a total period of 76 days and was disengaged on completion of the work which was of emergent in nature and that was never retrenchment within the meaning of Section 2(oo) of the Act. According to the management since the workman had worked only for 76 days, which was also not continuous, he was not entitled to reinstatement and compensation under Section 25-F of the Industrial Disputes Act, 1947. The disengagement of this workman was absolutely valid and the workman's claim was merely baseless, speculative and harassing.

5. In the rejoinder filed by the workman, the workman challenged some of the facts alleged by the management in their written statement. The workman claimed and reiterated his stand that he had worked for 245 days in the year 1988 and if the attendance register and wage payment register maintained on the basis of ACG-17 vouchers for the year 1988 be filed before the Tribunal, the truth will be apparent on the fact of the record. In the rejoinder filed by the workman it was specifically stated that the statement dated 5-4-1990 regarding the period of work that Sri A. K. Bhattacharjee had given to him as per Annexure-A to the written statement was a correct statement and indeed the workman filed this certificate in the conciliation proceeding whose correctness was not challenged by the management, as such had accepted that fact. He had indeed worked for more than 240 days during the 12 calendar months preceding the date of his retrenchment on 1-1-1989 and called upon the management to prove the actual date of his work

by producing wage payment register/vouchers under ACG-17 for the year 1988 as when the attendance register of the same year besides the muster roll maintained under rule 152 of the Posts and Telegraphs Financial Hand Book Volume III Part I, which according to the workman would show that he had actually worked for 245 days during the 12 calendar months during the year 1988 preceding to his retrenchment with effect from 1-1-1989. It was also mentioned in paragraph 13 of the rejoinder that another set of casual workmen numbering about 26 who were contemporary to the present workman and were doing similar nature of work have been observed by the Company in permanent posts whereas he though completed 240 days of work within 12 months of the date of retrenchment, was removed from the service even without complying the requirement of Section 25-F of the Industrial Disputes Act, 1947 which by itself amounted to unfair labour practice and victimisation. The workman has annexed a list of workmen who have been favoured having been taken into the permanent roll of the Company. Their names had been enumerated in Annexure-X to the rejoinder.

6. The workman had exhibited four documents in his favour. Ext. W-1 being the certificate of his period of work from his immediate superior Sri A. K. Bhattacharjee, S.D.O.P. of the Calcutta Telephones, 26/27 Exchange dated 5-4-1990 showing in column No. 6 that his date of continuous engagement was in February 1991 and has been shown in column No. 7 of the said certificate that he had put in 263 days in 1987 and 245 days in the year 1988. Ext. W-2 is a representation from him to the Assistant Labour Commissioner challenging his illegal termination and stating therein that he put in 308 days of work before his impugned order of termination with effect from 1-1-1989 and even though 24 casual labourers were re-engaged by order dated 5-5-1988, his service was illegally terminated. This exhibit had an enclosure which shows that some ten other workmen made similar grievances to the Assistant Labour Commissioner against the termination of their employment whereas 26 other workmen of their category were engaged as regular mazdoors of the department. Ext. W-3 is a letter written by the Deputy Area Manager, City to the Assistant Labour Commissioner (Central) Calcutta stating that this worker Sri Jayanta Banerjee who was a casual worker had worked in the year 1987 for a period of 90 days only and his employment was terminated with effect from 30-5-1987. The workman filed this document to suggest that the management was reckless in making wrong statement to the authorities as this document was clearly contrary to the statement contained in Ext. W-1 given by the immediate superior authority of the workman. Nowhere it had been stated that the statement contained in Annexure-A to the written statement, now marked Ext. W-1 carried mis-statement of fact. The workman had also produced as Ext. W-4 a xerox copy of a certificate from Sri A. K. Bhattacharjee dated 27-7-1990 showing statements completely contrary to his statement or fact contained in certificate marked Ext. W-1 and urged that this statements as per Ext. W-3 and W-4 were made by the department as a result of after thought to get over the statement made in Ext. W-1.

7. Management altogether has filed 3 exhibits. Ext. M-1 are four vouchers alleged to be ACG-17 vouchers showing payment to the workman for the work done on different periods. These four vouchers only referred to the year 1987. Ext. M-2 shows certain payments as arrear to 10 workmen, which includes the workmen in question e.g. Sri Jayanta Banerjee who was paid Rs. 1147 as arrear bill for the period from February 1987 to May 1987 for a total period of 90 days of work. Ext. M-3 is a letter dated 11-11-1992 addressed to A.E. Staff City, Calcutta Telephones by Sri A. K. Bhattacharjee, S.D.O.P. in which he had stated that in supersession of the earlier statements about the particulars of casual labourers engaged after 30-3-1985 a corrected statement was enclosed and in Ext. M-3/1, the enclosure to Ext. M-3 it was shown that in the year 1987 Jayanta Banerjee, the workman had worked only for 76 days.

8. The workman had examined himself as his only witness, wherein he has stated that he used to work from Monday to Saturday and sometime on Sundays and was working as a joiner in the underground and his work was regular and perennial in nature. After signing the attendance register he used to attend to his work and that register was being maintained in the office of Sri Mondal the Junior

Engineer. His payment was on monthly basis and was being paid within 10th day of the following month and the payments were paid after he signed the ACG-17 form on revenue stamp. Sri A. K. Bhattacharjee was his direct office boss. He was working also under Mondal Saheb. He was appointed by Sri A. K. Bhattacharjee on verbal order and his service was terminated on 1-1-1989. He had worked for 245 days in 1988 which would appear from ACG-17 vouchers of 1988 as well as from the attendance register of 1988 and substantiated by the certificate issued by Sri Bhattacharjee given to him in 1990 which is marked Ext. W-1 in the case. He was not paid any retrenchment compensation or notice before his termination. He accordingly prays before this Tribunal for his reinstatement and back wages. In 1987 there was some enhancement of daily wages with effect from 1-1-1987 and because of that increase some additional payment was due and he received Rs. 1147 on account of such arrears and admitted to have received that amount on 19-4-1988. He also admitted that his receipt of Rs. 1147 as per Ext. M-2 was for a period of 90 days and he clarified and stated that he had no other dues against the management as against those months mentioned in ACG-17 vouchers. He further stated that he asked for payments for the period he worked subsequent to the period mentioned in the vouchers Ext. M-1 series, orally and it is not a fact that he only worked for 90 days as shown in Ext. M-2. In fact, he worked for more than that. In his cross-examination he had stated that names of all ACG-17 employees are entered in the attendance register and ACG-17 vouchers are prepared on the basis of attendance register.

9. The management however examined Deputy Area Manager Sri Devedo Prasad Shan as their only witness who has stated in chief that Sri Jayanta Banerjee had worked for 76 days in the year 1987 and did not work for any other day except the days which are mentioned in those 4 vouchers as per Ext. M-1 series and he had not worked under the department in any year excepting 1987. Sri Jayanta Banerjee was not given any work after 31-5-1987; that he was a casual worker and casual workers are taken for the work of the department where there was emergency and they do not have the same condition of employment like the permanent employees. Ext. W-1 according to the witness is a document of the department which shows particulars of casual workers and this document was maintained in the office and could not be treated to be a certificate issued in favour of any workman. This document Ext. W-1 was found by the department to be wrong subsequently and thereafter Ext. W-1 was replaced by another document dated 11-11-1992 under the signature of Sri A. K. Bhattacharjee which was now made Ext. M-3. The workman, according to him was not entitled to any notice before his impugned disengagement. To the Tribunal this witness answered that he had no other document to show that the workman in fact worked for 76 days only in 1987 and not more.

In the cross-examination he had stated that he was not in the concerned exchange in the year 1987 and 1988 and had no personal knowledge about the whole thing and the statement was based on the information from the records. He could not say exactly when this mistake was detected but states that it was certainly before 11-11-1992 (that is the date of Ext. M-3) and his mistake was detected by Sri A. K. Bhattacharjee. He was not there when this corrected document was prepared but according to him this mistake was rectified on the basis of payment vouchers available and the ACE-2 accounts. He however submitted that his statement about the correction was on the basis of his surmise and he has no full knowledge about the basis of the correction. According to him Ext. M-3/1 is also dated 11-11-1992. He had stated that the letter which was addressed to the A.E., Staff, City, i.e. Ext. M-3 and M-3/1 could not be searched out from the office of the department and the copies were only received from Sri Bhattacharjee to be filed in the Tribunal. He admits that the statement as per Ext. W-4 showing Sri Banerjee worked for 90 days in the year 1987 was filed before the conciliation officer, signed by Sri A. K. Bhattacharjee on 27-7-1990. This statement was also found to be incorrect. According to him Sri A. K. Bhattacharjee is still in service and is available in the City. He denied that Jayanta Banerjee had worked for 263 days in 1987 and 245 days in 1988. He also could not say if Exts. M-3 and M-3/1 had actually been addressed to the

A.E., Staff, City, but he thought it was sent to him since it was addressed to him. He stated to the Tribunal that the casual workers are engaged locally and no register is maintained in respect of them to show who were the casual labourers engaged and what are the amounts paid to them. No register is maintained in the department to show who are the casual workers engaged and what are the amounts paid to each of them. Only loose sheets of papers are maintained in that regard and from those loose sheets the department prepares ACG-17 vouchers and those loose sheets are then thrown away after the vouchers are prepared. The casual workers are required to be paid immediately on completion of the work but ordinarily they are paid for 10 or 15 days at a time and at times, the delay occurs running to the period of 2 months. The mistake for the periods covering the years 1986, 1987 and 1988 regarding only 10 persons as mentioned in Ext. M-3/1 was found by Sri Bhattacharjee and a corrected statement was filed as per Ext. M-3 but the department made no query from Sri Bhattacharjee as to how he committed such mistakes when the statement was prepared on the basis of payment vouchers. Though the audit is done every year in the department, no audit objection to the statement made in respect of Jayanta Banerjee as per Ext. W-1 was made. The witness failed to state to the Tribunal why suddenly in 1992 Sri Bhattacharjee had the occasion to find out the mistake contained in Ext. M-3/1. According to him ACE-2 accounts is a permanent record which shows who are the casual workers paid for their works. The management has not filed ACE-2 accounts for the year 1987 pertaining to Sri Jayanta Banerjee the concerned workman but the document is available in the department. The casual workers engaged on ACG-17 are not entitled to weekly non-days but are entitled to 3 National Holidays namely, 26th January, 15th August and 2nd October every year when they have worked on the day before and the day after the said National Holidays. The mistake committed by Sri A. K. Bhattacharjee in his wrong recording, according to the witness, is a serious lapse and action should have been taken against him but nothing had been done in this case.

10. Before coming to the consideration and assessment of evidence it is essential to note a few dates. The order of the present reference case is dated 18-12-1991; the written statement of the workman was filed on 25-3-1992, after which the management filed their written statement on 21-4-1992. The workman thereafter filed his rejoinder on 7-5-1992. The management never made any statement in their written statement that the statement as per Ext. W-1 was wrong and was subsequently corrected on 11-11-1992. The workman was examined himself on 18-11-1992, on which date the management filed this document as per Ext. M-3 dated 11-11-1992 with its enclosure Ext. M-3/1, which according to the management's witness is of the same date. This gives an impression to me that in order to get over the statement as per Ext. W-1, Sri Bhattacharjee had to give the corrected statement as per Ext. W-3. This is further corroborated from the circumstances that even though there was audit and the audit did not find any mistaken statement regarding the date of work of the present workman as well as other 9 as contained in Ext. W-1, particularly when the ACE-2 registers were available in the record which must have been checked to find the correctness of work of each of the workmen, there was no occasion for Sri Bhattacharjee in the year 1992 to get up from the slumber to find his own mistake and prepare a corrected statement as per Ext. M-3/1 and write to A.E., Staff, City stating that the statement contained in Ext. M-3/1 is the corrected statement and superseded all other statement made in his regard earlier. If this statement in Ext. M-3/1 regarding Jayanta Banerjee, if for the sake of argument, be accepted as correct what was the basis of a senior officer of the department Deputy Area Manager of the City Sri B. K. Ghosh to write to the Assistant Labour Commissioner on 7th August 1992 stating that the workman concerned namely Sri Banerjee had put in 90 days of work in the year 1987 when it is stated by Sri A. K. Bhattacharjee, the immediate superior of the workman as per his latest corrected report that he had put in only 76 days of work in 1987 as per Ext. M-3/1. Even though it was admitted by the management through the evidence of MW-1 that ACE-2 register would show the number of casual workers working and the amount of wage paid to them at any particular time, this has been withheld from the scrutiny of the Tribunal by not producing that before the Tribunal. Since Mr. Bhattacharjee is still in

service and as per the evidence of the management Sri Bhatta-charjee himself had found the mistake in 1992, what was the reason for the management not to examine Mr. Bhatta-charjee before the Tribunal to explain the situation and to disown the statement made by him in Ext. W-1. The evidence produced on behalf of the management does not inspire any confidence to accept them on its face value and I am of the view that the management has been trying their best to somehow get over the statement made in Ext. W-1 which is admittedly a document maintained by the department as per the evidence of MW-1. I accordingly accept the case of the workman that the period of service that he rendered under the Calcutta Telephones is correctly borne out in Ext. W-1 which is also reiterated by the evidence of the workman in the witness box and which statement has not been disturbed in the cross-examination. This being the position, I have no hesitation to hold that the workman had worked for 245 days in 1988 within 12 months from the date of his termination of work on 1-1-1989.

11. In this context I must say that the Hon'ble Supreme Court has already held in *Gopal Krishnaji Ketkar Vs. Mohammad Haji Latif and Ors.*, reported in AIR 1968 SC 1413 that "..... Even if the burden of proof does not lie on a party, the Court may draw adverse inference if he withholds important documents in his possession which can throw light on the facts of the case"

In *Punjab Land Development and Reclamation Corporation Ltd., Chandigarh etc. and several others Vs. Presiding Officer, Labour Court, Chandigarh etc. and several others*, reported in 1990 (1) LLJ 70, the Hon'ble Supreme Court has held that the definition of retrenchment contained in Section 2(oo) of the Industrial Disputes Act, 1947 includes all kinds of termination of employers of the service of a workman for any reason whatsoever except those expressly excluded in that section. What was excluded in that section are enumerated below :

- (a) voluntary retirement of the workman ; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf ; or
- (c) termination of the service of a workman on the ground of continued ill-health.

The termination in this case not being one within the excepted category, obviously becomes an act of retrenchment as it is already held by the Hon'ble Supreme Court in *State Bank of India Vs. Sundarmony* reported in 1976 (1) LLJ 478 (SC) that "termination" embraces not merely the act of termination by the employer but the fact of termination however produced.

12. The evidence led by the workman in his examination in support of his contention in the written statement that the requirements of Section 25-F of the Act was not followed in his case and no notice or notice pay had been given to him before his retrenchment. Since the workman has been held to have worked for more than 240 days within 12 months period proceeding to his date of retrenchment and the condition of Section 25-F i.e. notice and notice pay had not been paid or offered to be rejected, the act of retrenchment in accordingly ab-initio void, invalid and inoperative. In consequence, the workman's service is declared to be continuing, notwithstanding the fact of retrenchment. He is to be reinstated to his work with all his back wages. A reference can be made to the case of *Mohan Lal Vs. Bharat Electronics Ltd.*, reported in 1981 (II) LLJ 70 at page 78 wherein the Hon'ble Supreme Court had held

"..... As the pre-condition for valid retrenchment was not complied, the termination of service is ab-initio void, invalid and inoperative. He therefore new be deemed to be in continuous service."

and went on to say further

"..... that he would be entitled to all consequential benefits namely back wages in full and other benefits, if any."

13. No evidence has been led by the management that the workman was gainfully employed since his disengagement from the Company's work, whereas the workman has stated in his evidence that he is unemployed since his termination. Accordingly the reference is answered holding that the workman shall be deemed to be in continuous service and he is entitled to the back wages.

The reference is answered accordingly.

Dated, Calcutta,

The 27th October, 1995.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1995

का.प्र. 3396:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीफोन के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-95 को प्राप्त हुआ था।

[संख्या एल-40012/186/91-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3396.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telephone and their workmen, which was received by the Central Government on 1-12-95.

[No. L-40012/186/91-IR (DU)]

K. V. B. UNNY, Desk Officer
ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Wednesday, the 18th day of October, 1995

PRESENT :

Thiru N. Subramanian, B.A. B.L., Industrial Tribunal.

Industrial Dispute No. 59/1992

[In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Madras Telephones, Madras-10.]

BETWEEN :

Shri D. Muthukrishnan,
23, M. M. Garden,
Vyasarpadi, Madras-600 039.

AND

The Chief General Manager;
Madras Telephones,

No. 78, P. H. Road, Madras-600 010.

REFERENCE :

Order No. L-40012/186/91-IR(DU), dated 25-6-92.
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru S. Seshadri, Central Govt. Pleader, appearing for the Management, upon perusing the reference, Claim and Counter statements and Other connected papers on record, and the Workman being absent, this Tribunal passed the following :—

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of Madras Telephones, in terminating the services of Shri D. Muthukrishnan, is justified ? If not, what relief he is entitled to ?"

No representation for the Petitioner, Petitioner called absent. Petitioner was absent continuously for several hearings. Hence Industrial dispute is dismissed for default. No costs.

Dated, this the 18th day of October, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

नई दिल्ली, 8 दिसम्बर, 1995

का.आ. 3397:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सहायक अभियन्ता फाल्ट कंट्रोल के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-95 को प्राप्त हुआ था।

[संख्या एल-40012/193/90-आईआर(डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 8th December, 1995

S.O. 3397.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Asstt. Engineer Fault Control, Allahabad and their workmen, which was received by the Central Government on 6-12-95.

[No. L-40012/193/90-IR(DU)]

K. V. B. UNNY, Desk Officer

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 66 of 1991

In the matter of dispute between:
Shri Chhedi Lal Yadav,
S/o Shri Ram Shankar Yadav,
Village Ramapura,
P.O. Saray Inayat,
District Allahabad

AND

Assistant Engineer,
D.O.D. Electrification,
1. Smith Road,
Allahabad-211001.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-40012/193/90-I.R.(D.U.) dated 19-4-91, has referred the following dispute for adjudication to this Tribunal—

"Whether the action of the Asstt. Engineer, Fault Control, Allahabad is justified in terminating the services of Shri Chhedi Lal Yadav, casual labour w.e.f. 1-5-90 ? If not, what relief the workman concerned is entitled to and from what date ?"

2. In this case none appeared in the case from the side of workman despite issue of notices repeatedly.

3. It appears that the concerned workman is not interested in prosecuting his case.

4. I, therefore, decide the reference in affirmative holding that the workman is entitled to no relief for want of evidence.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 1995

का.आ. 3398 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धतंत्र के संबंध निकोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं.-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-95 को प्राप्त हुआ था।

[संख्या एल-40025/1/94-आईआर(डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 11th December, 1995

S.O. 3398.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workmen, which was received by the Central Government on 8-12-95.

[No. L-40025/1/94-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/7 of 1994

PRESENT :

Shri S. B. Panse, Presiding Officer.
Employers in relation to the management of Telecom
District Engineer, Dhule.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri P. N. Chaudhari, Representative.

For the Workmen : Shri M. S. Chaudhari, Representative.
Bombay, the 15th November, 1995

AWARD

(1) The Government of India, Ministry of Labour by its letter No. L-40025/1/94-IR(DU) dated 31-01-94 had referred to the following industrial dispute for adjudication:

"Whether the action of the employer, Sub-Divisional Officer, Telegraph, Dhule in retrenching the service of Shri D. M. Desale w.e.f. 22-11-1985 is justified? If not, to what relief the workman is entitled to?"

(2) Daga Maharu Desale came to be appointed as a casual labourer in January 1985. He contended that his services were terminated by S.D.O., Telegraphs, Dhule by oral orders on 22-11-85. It is aver that the worker was in continuous services as contemplated u/s. 25F of the Industrial Disputes Act, 1947. It is asserted that while retrenching his services there was no compliance of Section 25F of the said Act.

(3) In view of the Supreme Court judgement and different direction issued by Chief General Manager, Telecom, Maharashtra. The worker should have been granted the temporary status. But these instructions are not followed the workman was not given the status. It is prayed that the worker may be reinstated in service w.e.f. 12-11-85 and he be paid back wages with interest thereon from that date. It is also prayed that he may be awarded temporary status.

(4) The TELECOM District Engineer, Dhule registered the case by the written statement Ex.-4. It is contended that Shri D. M. Desale has worked as a casual labourer only for 305 days from 1-1-85 to 21-11-85. It is aver that he himself left the services willfully and the management had not retrenched him. It is therefore no question compliance u/s 25-F of the Industrial Disputes Act. It is pleaded that in view of the circular dated 7-6-90 he is not entitled to grant a temporary status. It is submitted that the worker never approached the department after 22-11-85 for about five years, seven months and 26 days. Under such circumstances it is submitted that the prayer deserves to be rejected.

(5) The issues that fall for my consideration and my findings there on are as follows:

ISSUES

FINDINGS

- | | |
|---|-----|
| 1. Whether the action of the employer Sub-Divisional Officer, Telegraphs, Dhule amount to retrenchment in service of Shri D. M. Desale w.e.f. 22-11-85? | No |
| 2. Whether he is entitled to status of temporary worker? | Yes |
| 3. Whether he is entitled to back wages w.e.f. 22-11-85? | No |
| 4. Whether he is entitled and other reliefs? | No. |

REASONS

(6) Daga Maharu Desale (Ex. 8) affirm that he worked 305 days continuously during January 1985 till 22-11-85. This is from the certificate of work (Ex. 3/1). He was working with S.D.O., Telegraphs, Dhule. From the certificate it is very clear that he was appointed as a casual labourer by S.D.O., Telegraphs, Dhule on January 1st, 1985. No doubt till the months of November for some months he had not worked on all days. But the fact of his appointment prior to 30-5-85 is not in dispute. D.M. Desale affirms that the S.D.O. terminated his services orally on 22-11-85. On the other hand Jagdish Chandra Manaria (Ex. 10) the TELECOM District Engineer affirm that the services of the workmen were not terminated but he himself willfully left the job w.e.f. 22-11-85. There is no suggestion to this witness that the worker had not left the services on own accord. He admitted that the worker was not issued any notice for remaining absent. According to him from the muster role it can be seen that he left the job on his own accord. But that document is not produced on the record. The worker did not call upon the management to produce that record. But the circumstances are in favour of the management. I therefore find that there is no need to draw it adverse inference against the management.

(7) It is very clear that the worker is no more in service from 22-11-85. If really he would have been retrenched by the management he would have raise hue and cry. It is common knowledge that when such incident took place the union definitely represent the case. But nothing had taken place in the matter. It appears that the worker did not contact the union nor the management after 22-11-85 immediately. But it appears that he approached the management on 18-07-91 i.e. after a lapse of 5 years, 7 months and 26 days. That itself goes to show that he himself abandoned the services as this is so the case does not fall under retrenchment and non-compliance as required to be made u/s 25-F of the Industrial Disputes Act.

(8) Relying upon the scheme which was formed by the TELCOM on 7th November, 1989 it is tried to argue on behalf of the management that question of granting temporary status has to be conferred to the casual labourers in view of the said scheme (Ex. 5/7 of the casual labourers "Currently Employed" (Relying on the word currently Employed it is submitted that the workmen was not currently employed and therefore is not entitled to temporary status. I do not find any merit in that submission. If really the words "Currently Employed" has to be taken into consideration in its true sense it means when the circular was issued the person should have been employed, i.e. in 1989. Infact the scheme was prepared in view of the judgement of the Supreme Court which was delivered in 1987. On its basis the scheme was prepared and different circulars were issued.

(9) The worker placed reliance on the circular dated 7th June, 1990 (Ex. 5/4). This circular clearly supports the case of the worker to grant him temporary status. It reads "Eligibility for confining of Temporary Status to the Casual Mazdoors:—

"All these Casual Mazdoors are eligible for conferring Temporary Status:—

"Who are employed before 30-3-85 and who have completed continuous service of 240 days during any 12 calendar months before 30-3-85 without any consideration of break of service either due to departmental or own reasons."

Para 1(i)(b) States:

"Who were employed before 30-3-85 but could not complete continuous service of 240 days before 30-3-85. They however did so after 30-3-85 during any 12 calendar months."

(10) Para 1(ii) of the said circular states as follows:

"Now the period of absence for the purpose of granting temporary status to the Casual Mazdoors can be condoned by the concern T.D.E. without any limit provided he has worked for 240 days continuously during any 12 calendar months. This will however be a one time concession."

(11) From the above referred circular even a casual mazdoor remaining absent from duty for unlimited period is also entitled for temporary status. It reveals that the Absentism due to retrenchment or on own accord is to be condoned by the TDE, Dhule.

(12) When the workmen remains absent it is the duty of the employer to issue him notice and call for explanation from such worker for remaining absent from duty. Admittedly in this case no such notice was given. I find that in this case the worker was a casual labourer and not really specialising in the employment of the management. The management had produced a letter dated 3-4-90 alongwith Ex. 7/1 with reference to the workmen who were currently (including those who were recruited after 30-3-85) was given. They have also forwarded Annex-I of the workers who had completed 240 days in a year but not working currently. I have already observed that the management has misinterpreted the word currently. From the circulars which I have referred to above it is very clear that the worker is entitled to the temporary status

(13) As far as the question of granting back wages w.e.f. 22-11-85 is concerned I have come to the conclusion that the worker voluntarily abandoned the services he is not entitled to the same. It can be further seen that the word casually allotted to him is of a casual nature. It cannot be stated to be a prominent work. Under such circumstances unless there is sufficient evidence it cannot be said that the said worker would not be allowed the work continuously. Nor can it be said that he is in a position to get wages for all the days.

(14) The worker had also claimed interest of the reference. As the worker is not entitled to back wages there is no question of granting interest. Looking to the nature of the reference and the conduct of the worker he is also not entitled to cost of the present reference.

I return my findings on the issues accordingly and pass the following order :

ORDER

1. The worker D. M. Desale is granted temporary status.
2. The management is directed to appoint him as a casual labourer having a temporary status as per the scheme and the circulars.
3. No order as per costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 1995

का.आ. 3399:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अर्बई तं.-2 के पंथद को प्रकाशित करती है, जो केन्द्रीय सरकार की 8-12-95 को प्राप्त हुआ था।

[संख्या एल-40012/128/93-आईआर (डीयू)]

के.वी.वी. उन्नी, डेस्क अधिकारी

New Delhi, the 11th December, 1995

S.O. 3399.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2, as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telecommunication and their workmen, which was received by the Central Government on 8-12-95.

[No. L-40012/128/93-IR/DU]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/53 of 1994

Employers in relation to the management of Telecom Dept.

AND

Their Workmen

APPEARANCES :

For the Employers.—Shri P. M. Pradhan Advocate.

For the Workmen.—Shri B. W. Vaidya Advocate.

Bombay, dated 16th November, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-40012/128/93-IR(DU) dated 10/15-11-94 had referred to that following Industrial Dispute for adjudication :

"Whether the action of General Manager, Pune Telecom in relation to southern Command, Telephone Exchange in termination the services of Shri Ajay D. Panalkar, casual labour ignoring the instructions vide OM. No. 49094/18/84-Estt. (G) dt. 24-5-85 of Govt. of India, Ministry of Personnel and Trading by violation provisions of Sec. 25F of I.D. Act, 1947 is justified ? If not, what relief is the workman is entitled to ?"

2. Ajay D. Panalkar worked as a casual labourer in the working party of Pune Telecom in Southern Command Exchange from February 1984 to December 1984. He worked for 300 days. His services were terminated without compliance of Section 25F of the Industrial Disputes Act. The termination amounts to retrenchment, hence it was necessary to comply with Section 25F of the Industrial Disputes Act.

3. The worker made several representations to the management for giving him the employment, but it was of no use. Ultimately he made a grievance before Asstt. Labour Commissioner who sent a negative report to the Central Government.

4. It is argued that every casual Mazdoor who is taken up in the department is required to be registered with the employment exchange. On 16-9-1984 the Asstt. General Manager, Pune Telephones District Pune issued an order informing the departments that those labourers who are not sponsored by the employment exchange should be discontinued. It is therefore the worker was discontinued. Under such circumstances there is no question of complying on Section 25F of the Industrial Disputes Act. It is also pleaded that the worker was appointed purely on temporary basis for a casual work and therefore there is no question of granting any retrenchment compensation. It is denied that the termination was illegal and void Ab initio.

5. The management prayed that the claim of the worker is unjust and improper and deserves to be dismissed.

6. The issues that fall for my consideration and my findings there are as follows :

Issues	Findings
1. Whether the action of the General Manager, Pune in terminating the services to Ajay Panalkar Casual labourer is illegal ?	Yes.
2. Whether it is in violation of Sec. 25F of the I.D. Act ?	Yes.
3. If yes what relief is the workman entitled to ?	As per final order.

REASONS

7. Some of the facts can be said to be undisputed. Ajay D. Panalkar worked in Pune Telecom as a casual labour from February 1984 to December 1984. The certificate issued by S.D.O. Pune dated 9-8-81 (Ex-5/2) clearly speaks out that A. D. Panalkar worked for 300 days in that period. Panalkar (Ex-6) in categorical term admits that when he was employed his name was not registered in the Employment Exchange and he got himself registered in 1985.

8. Shri Gajendra Dev Upadhaya, (Exhibit-10) affirmed that the worker was not sponsored by the employment exchange and he is not registered his name in any of the employment exchange. He was therefore asked to discontinue from attending the work as Casual Labour. In the cross examination he declined to say that the services were terminated but was keen to use the word his services were discontinued. It is his case that this was done in view of the Memo dated 6-9-84 (Ex. 7/1) issued by Asstt. Manager, Pune Telecom. The subject of that letter was engagement of a casual mazdoor not registered with Employment Exchange. The last but one para of that letter speaks out "No unsponsored Casual Mazdoor are to be engaged after 30-4-84." The case for sponsoring the Casual Mazdoors engaged prior to 30-4-84 is in process. Thus in the last para they had referred to the discharging of the Mazdoors who were not registered with the employment exchange. It appeared that on the basis of this circular the services of the workmen were discharged.

9. Section 25-B of the Industrial Disputes Act Defines of continuous Services. The worker in this case has worked for more than 240 days for a period of one year preceeding the take with the reference to which the calculation is to be made. Then he has to be treated as a continuous worker. Here is case of the worker which falls as a continuous workers.

10. Section 2(oo) of the Industrial Disputes Act defines retrenchment. The case which is tried to be made out by the management which I have referred to above clearly takes the case of this workmen as retrenchment.

11. On 24-9-85 the Director of the Department of Ministry of Personnel and Training and Administrative Reforms and Public Grievance and Information issued an office Memorandum (Ex-5/4) on the subject regularisation of services of Casual workers in Group D passed a relaxation of employment exchange procedure. In the said circular it is mentioned that "it has been decided as a one time measure in consultation with DGE&T, that Casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts, in terms of general instructions even if they are recruited otherwise than, through the employment exchange, provided they are eligible for regular employment in all other respects". From the said circular it is very clear that the worker should have been considered for regular appointment if he is otherwise found fit. There is no record to show that he was not found fit by the management for appointment of a Casual Labour.

12. Ex-9/1 is a circular issued by the Asstt. Director General of Telecom on the subject of applicability of the Industrial Disputes Act, 1947 while retrenching the casual labourers in the department. It can be seen that the circular is of the year 1989 and the action in this present matter was taken in December, 1985. No doubt in the said circular it is mentioned that pending cases to be dealt with after duly observing the provisions of Section 25F of the Industrial Disputes Act.

13. It is not in dispute that when the worker was retrenched he was not paid any amount as compensation under section 25F of the Industrial Disputes Act. Mr. Vaidya the Learned Advocate for the Union placed reliance on Mohanlal v/s. Bharat Electronics (1981) 3 SCC 225; Santosh Gupta v/s. State Bank of Patiala (1980) 3 SCC 340; Surendra Kumar Verma v/s. CGIT, New Delhi (1980) 4 SCC 443 and submitted that as the termination amounts to retrenchment the worker is entitled to full back wages and the worker is deemed to be un-continuous service.

14. As against this Mr. Pradhan places reliance on Lal Mohammed v/s. Union of India ATR (1991) (1) CAT 312. In that case the member of the Tribunal had come to the conclusion that the Casual Labour is entitled to back wages and it depends upon each case. The facts of that case are quite different. It has no application to the present set of facts.

15. Mr. Vaidya learned Advocate for the Union placed reliance on Suryakant R Dorale v/s. Divisional Railway

Manager, Central Railway, Bombay ATR (1988) (1) CAT 158. That was the case of a Casual Labourer wherein his Lordship observes that the termination without compliance of Section 25 of the I. D. Act is found to be void and illegal in the field of Industrial relation. The declaration falls that the workmen continued to be in service and has to be reinstated with full back wages. On the basis of the right and action in this regards the worker is entitled to declaration as prayed for, continuity in services with back wages. I record my findings on the issues accordingly and pass the following order.

ORDER

1. The action of the General Manager, Pune Telecom in relation to their worker's termination of services of a Casual Labour, giving the instructions vide OM No. 49094/18, 1984 ES dated 24-8-85 of the Government of India, Ministry of Personnel and Trading by following provisions of the Ex-2/W is not justified.
2. It is hereby declared that the termination of services of Ajay D. Panalkar in December, 1984 are void and illegal.
3. The management is directed to pay him full back wages and allowances if any and treat him to be in continuous services.
4. The management is directed to make the payment within 6 months from today.

S. B. PANSE, Presiding Officer
16-11-95

नई दिल्ली, 11 दिसम्बर, 1995

का.प्रा. 3400:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार डाक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनवाद नं. 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-95 को प्राप्त हुआ था।

[संख्या एन-40012/245/92-आईआर (डी.ए.)]
के.वी.बी. उनी, डेस्क अधिकारी

New Delhi, the 11th December, 1995

S.O. 3400.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Post and their workmen, which was received by the Central Government on 8-12-1995.

[No. L-40012/245/92-IR (DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 274 of 1994

PARTIES :

Employers in relation to the management of Assistant Superintendent of Post Office,

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. K. Singh, Authorised Representative.

For the Workmen—None.

STATE : Bihar

INDUSTRY : Coal

Dated, the 28th November, 1995

AWARD

By Order No. L-20012/255/92-IR (DU) dated 6-5-95 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of Asstt. Superintendent of Post Office, West Sub-Division, Bokaro Steel City-3, Distt. Dhanbad in terminating the services of Shri Pureshu Narayan Tiwari, Ex-E.D. Packer w.e.f. 1-7-1994 is justified? If not, what relief is the concerned workman entitled to?"

2 It appears from the record that during the period, the workman appeared through the lawyer on 5-4-95 but thereafter no one had been appearing on his behalf, nor the written statement had been filed by the concerned workman. By order dated 13-9-95 a last chance was given, still no one appeared either on the next date, or even on 20-11-95.

3 It appears that the concerned workman is either no longer interested in prosecuting this reference or that presently, he has ceased to have any dispute with the management.

Therefore, I render a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का.प्र. 3401.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भंडारण भारत कोकिंग कोल लि. का रोपवे डिवीजन के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके दमकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एस-20012/55/91-आई.प्रार. (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3401.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ropeway Division of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 5-12-1995.

[No. L-20012/55/91-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 121 of 91

PARTIES :

Employers in relation to the management of Ropeways Division of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S. Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 27th November, 1995

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/55/91-IR. (C-I), dated, the 5th August, 1991.

SCHEDULE

"Whereas the action of the management of General Manager, Area Ropeways, P.O. Patherdih, Dist. Dhanbad of M/s. BCCL in not treating Shri Babulal Vishwakarma and Ramdas Vishwakarma as blacksmiths of the management and not paying them the wages as per Coal Wages Board Recommendations with retrospective effect is justified? If not, to what relief the workmen are entitled?"

2. For the adjudication of the said reference both the employers and the alleged employee have filed their W.S. and rejoinder in support of their respective cases.

3. In the W.S. the workmen represented through the sponsoring Union had stated that the steel wire ropes consist of about numbers of strained (steel) wire strings being twisted and jointed together to make a rope and the same is used for shifting the coal and sands including other materials through overhead. In case of aerial ropeways becoming out of orders or suffers from any defect total system of movement of sand and coal becomes stand still and thereby the repairing works etc. connected to the said ropeways are of permanent nature.

4. It is stated further that due to wear and tear of the steel wire ropes the repair and replacement of the same are needed and that is done by highly skilled person and the said job cannot be performed by unskilled and semi-skilled workmen. Accordingly it is claimed that the work of the blacksmith in connection with that is a workman of Cat. V as per recommendation of the Coal Wage Board. It is stated further that the said two concerned workmen namely Babulal Vishwakarma and Ramdas Vishwakarma have been working in the ropeway for cutting, splicing and misc. job therein for the last 10 years continuously and their payment was made through vouchers exercising unfair labour practice. Also it is contended in the W.S. that they were under the control and supervision of the management and they should be paid wages as per Coal Wage Board Recommendation considering them to be the permanent employees and it is stated further that it is a contract of work and not contract for work. The matter was referred to the ALC (C), Dhanbad through the sponsoring union which ended in failure and thereafter this reference has been made by the Government of India, Ministry of Labour for adjudication by this Tribunal upon the issue framed in the order of reference.

5. In the W.S.-cum-rejoinder of the employers it is stated that at no point of time there was any employer and employee relationship between the concerned persons and the management. Nor this dispute comes within the meaning of Section 2(k) of the I. D. Act. It is stated further that the claim of the concerned persons is baseless though it is a fact that function of the ropeways is to bring Sand from Damodar River and to supply the same to different collieries and the said ropeways are not attached to any particular mine. It is further stated the work of ropeways is earned on several places which do not fall within any Mine. The said ropeway division has adequate workers of different categories for carrying out different jobs and works. It is stated further that the management is not aware of any Ramdas Vishwakarma though it is admitted that Shri Babulal Vishwakarma who runs a blacksmith shop near Bunker 5, Tram line of 'F' Ropeways and on few occasion the management obtained job from him on contract basis and payments were made accordingly and in between 1987—89 he was paid Rs. 702 for the work and he never performed the job as a permanent employee nor he was engaged for the working hours for the workmen of 8 hours. The said work was of casual nature thereby the claim of regularising the said persons and other one as workmen of BCCL is baseless misconceived and motivated. Accordingly they are not entitled to get any relief as prayed for. In the rejoinder it is stated that in collusion with the ALC (C), Dhanbad some facts were incorporated in the conciliation proceeding which are contrary to the actual state of affairs and with false pretext they are claiming jobs in an unfair manner.

6. In the rejoinder the workman has stated further that the work of blacksmith cannot be carried undone but for performing the said job another person is required to strike the iron with hammer and in other manner and it is admitted that Shri Babulal was carrying out blacksmith job of the company near Bunker No. 5, Tram Line 'F' ropeways which is within the mines premises as per direction and specification by the employers for their use. Never he was given any contract of job rather he was asked to carry out the job as per the specification of the employers and they spent whole day in performing company's job. In other paragraphs other facts stated in the W.S.-cum-rejoinder of the employers have been denied.

7. In support of their respective cases parties have adduced their oral evidence as well as documentary evidence. For the management Shri D. Roychoudhury has been examined who had deposed that he was working in the Ropeways Division of BCCL since June, 1986. According to him ropeway division was handed over to BCCL from Coal Board with effect from 1-4-75 and the main function is to bring sand from Damodar River and to supply the same to the Jharia Coal Belt. It is also admitted that there is Bunker at each section and the controlling office situate in Bunker No. 5 and there is a workshop at the said Bunker. However, the major repair work is done at Bhulanbararee camp. He had stated further that he was not aware of Ram Das Vishwakarma though he had identified Babulal Vishwakarma who has got a small blacksmith shop in a village near Bunker No. 5. But he has been doing the work for the general public and sometimes he was entrusted with the job of BCCL and the said job was mainly of rope cutting, Chisel making. He has stated further that the management never supplied him working implements. Babulal was also doing the work of clamp making, shovel making entrusted to him by the management. It is admitted that Babulal was paid through vouchers on the agreed rates and the photo copies of the said vouchers through Babulal Vishwakarma as token of payment of his wages have been marked as Ext. M-1 to M-1/4. According to him the rope cutting works hardly consume half an hour time. It is stated further that the management has got regular work force to do such blacksmith job and a statement of the blacksmith worker in the ropeway has been filed and the same has been marked as Ext. M-2. According to him he never engaged Babulal save and except the job shown in the vouchers. His evidence discloses further that in case of engagement of permanent workmen on some important job Babulal was asked to perform the job as and when required but the regular maintenance and repairing work was done by the ropeway division. His deposition discloses further that there is no work like rope splicing and re-caning and socketing is done by the permanent workmen nor the concerned workman performed any kind of job for

the last several years as claimed and it has been specifically stated that Ramdas was never engaged by the management at any point of time. In cross-examination it is stated that under his supervision the length of ropeway would be nineteen and half K.M. He has admitted that Bunker No. 5 is within the jurisdiction of his supervision and the same is important bunker and the permanent blacksmiths are getting their monthly wages and all other benefits as provided under the NCWAs. It is not denied that Babulal worked whatever work was given to him to the satisfaction of the said witness.

8. WW-1 Babulal Vishwakarma had deposed that in the Ropeway Division of BCCL he has been working and his main function is to cut wire rope, cutting of socket, packing work and he discharged the duty as of permanent blacksmith of the management and Ram Das Vishwakarma was his helper and they were not provided with the regular work force of that colliery nor wages was paid as per NCWA. In cross-examination he has stated that his father was a blacksmith. According to him there was no workshop in the colliery near Bunker No. 5. He has denied that he had any workshop in his village where he has been working as a blacksmith and he performs the job of public. He has denied that he has been engaged if and when required by the management but he has admitted that he obtained wages through vouchers exhibited after putting his LTI. But he has denied that he was only paid ten times through vouchers. It is his claim that he performed the job beyond the job mentioned in the vouchers. It is a fact that he has no identity card nor any paper to show that he ever worked within the establishment of the management.

9. Shri Ramdas Vishwakarma, WW-2 has stated that he was working for the last twelve/thirteen years. They used to attend the place of work everyday and stay there from 8.00 A.M. to 3.00 P.M. but it is admitted by him that they were given work some times and some times they used to remain idle.

10. I have heard the submissions of the learned Advocate of the management Shri B. Joshi and of Shri S. Bose representing the workmen.

11. It is needless to say that except the oral evidence of workmen concerned no independent witness has been examined by any of the person.

12. In course of argument as well as from the NCWAs and Coal Wage Board Recommendation it is established that a workman as blacksmith is of Category IV and the workman as Helper is in Category V.

13. I think that one should not forget that before applying the provision of Industrial Disputes Act this Tribunal must be satisfied that there was a relationship the employer and the employee between the persons mentioned in the reference.

14. It is also settled in different cases including the cases reported in S.C.L.J. Volume 5 at page 3474 that if a person be engaged for a work of permanent nature though temporarily and of casual nature to fill in temporary hands or extra hands on permanent or temporary job and he lasts throughout the year meeting requirement of the management as temporary or extra hands on permanent job he should be regularised.

15. Keeping in mind the said position I am to consider whether the persons mentioned in the reference used to perform the job of permanent nature continuously or regularly within the establishment of the management.

16. Except the oral evidence from the side of the workmen nothing has been produced to show that they used to work in the establishment of BCCL nor any iota of evidence or material is forth coming that ever they were recognised by the management of BCCL as their employees either for temporary terms or as casual worker or of worker of any nature. The management has filed a list of the blacksmithy job done by concerned workmen Babulal Vishwakarma and the vouchers through which he was paid after putting his LTI and I find that for a period of three years he was only paid Rs. 702 for the period 1987—89. Now the question is that though the work is of permanent nature but if a person performs the job for some days within three to four years which are of very simple nature as cost of the work

was paid. Can we state him to be a casual worker or permanent worker though the nature of work is of permanent nature.

17. That I am of the opinion that the principles laid down in the case law do not come to the help of the concerned persons for their regularisation nor it is proved that the said workmen ever worked in the management as blacksmith or as a helper in the management. Rather it appears that in his own blacksmithy he used to perform some work as and when entrusted with on payment through the management as and when they required and there by it would be unjustified to consider them to be a casual or temporary worker or as permanent worker or a worker within the establishment of the management at any point of time.

18. Therefore, I do not find any substance in the claim of the workmen for regularisation as Blacksmith or as Helper as claimed by the persons concerned under the reference and there by they are not entitled to get any relief as prayed for.

19. However, incidentally it is observed that when they performed the job of the management as and when it was required if any blacksmith required on retirement or enhancement of the job in the establishment of the management the said workmen working as Blacksmith or Helper as claimed should be given preference on the strength of this Award though it is obviously in the form of recommendation.

Thus the reference is disposed off in the light of the observation made above.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 6 दिसम्बर, 1995

का. आ. 3402.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैरस भारत कोकिंग कोल लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-20012/228/92-आई. आर. (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3402.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on 5-12-95

[No. L-20012/228/92-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 13 of 1993

PARTIES :

Employers in relation to the management of M/s. Bharat Coking Coal Ltd., and their workmen

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 29th November, 1995

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(228)/92-I.R. (Coal-I), dated, the 15th February, 1993.

SCHEDULE

"Whether the demand of National Coal Workers Congress for promotion of S/Shri Yogeshwar Yadav, Md. Kalam Ansari and N. I. Bhagat from Category IV to Cat. V just after completion of three years of employment in Cat. IV is justified? If so, to what relief the workmen are entitled?"

2. In this reference both the parties appeared but did not file their respective W. S. documents etc. Subsequently when the case was fixed for filing W. S. Shri D. Mukherjee representing the workmen submits before me that he is not interested to pursue the demand of the workmen before this Tribunal and accordingly prays to pass a 'No dispute' Award Shri B. Joshi, learned Advocate for the management does not raise any objection rather he conceded to the submissions made by Shri Mukherjee. Accordingly, a 'No dispute' Award is passed in the circumstances of the case. 29-11-95.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 11 दिसम्बर, 1995

का. आ. 3403.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, 2 बम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/81/92/आई. आर. (बी.-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 11th December, 1995

S.O. 3403.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 2 Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 8-12-95.

[No. L-12012/81/92-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENTS :

Shri S. B. Panse, Presiding Officer
Reference No. CGIT-2/54 of 1992

Employers in relation to the Management of Bank of India.

AND

Their Workmen

APPEARANCES :

For the Employers.—Mr. L. L. D'Souza Representative.

For the Workmen.—Mr. Deepak Patil Representative.

Hombay, dated 21st November, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-12012/81/92 IR(B-II) dt. Nil had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Bank of India, Pimpri Branch in not giving the allowance carrying post of Telex Operator to Smt. K. K. Kulkarni, clerk-cum-typist at Pimpri Branch, is justified ? If not, what relief the workman is entitled to ?"

2. The General Secretary, Bank of India, Staff Union, Pune, contended that the management of Bank of India had not observed the condition of services as laid down in the Sastry Award, Desai Award and other Bi-partite settlements as modified from time to time, as also the practice and usage being not followed by the Bank. It is averred that the post of Special Allowance of the Telex-Operator carried a special allowance of Rs. 145 per month out of which the amount of Rs. 130 is ranking for Provident Fund. The Union pleaded that this post is always allotted to senior employees who knows/does the typing work as per the practice and usage relating to allotment of allowance amount carrying post. It is averred that Smt. K. K. Kulkarni was entitled to the post of Telex Operator in Pimpri Branch of the Bank as she was senior most clerk in that branch, and was a typist due to her designation and job performed at that branch.

3. The Union averred that instead of allotting the post to Mrs. Kulkarni it was allotted to Miss L. R. Kota. Thus the bank deviated the usual practice and the provisions in the awards and Bi-partite settlements. It is averred that the contention of the bank that Mrs. K. K. Kulkarni had not raised any objection at the time of allotting the post to Ms. Kota is baseless. It is submitted that by doing such a posting the management had practised unfair labour practice under Sub-Clause (e) of item No. 4 of the Fifth Schedule Part I to Industrial Dispute Act of 1947. It is prayed that the bank be ordered to allot the post of Telex Operator to Mrs. Kulkarni with further directions to pay consequential allowances of the said post with other reliefs. It is also prayed that it may be declared that the bank had practised unfair labour practice and it is liable for punishment.

4. The management resisted the claim by the written statement Ex. '3'. It is averred that it has not practised unfair labour practice as alleged by the union. It is submitted that it has been the practice in the Pune Zone to allot a Telex Operators duty carrying Special Allowance to the senior most employee working as the clerk-cum-typist. On this practice only the post was allotted to Ms. Kota w.e.f. 29-1-86. It is averred that at that time she was senior most employee working as the clerk-cum-typist at Pimpri branch, her date of joining being 2-12-1980. It is submitted that Mrs. Kulkarni is Junior to Ms. Kota and working as clerk-cum-typist from the date joining i.e. 7th September, 1981. It is further pleaded that Mrs. Kulkarni orally conveyed the branch authorities that she had no grievance or objections regarding assignment of the telex operators duties to Ms. Kota. It is denied that the management deviated the usual practice. It is submitted that the claim raised by the union is without any merit and it deserves to be dismissed.

5. The Union filed a rejoinder at Ex. '4'. It is contended that the fact that the management sought in objection from Mrs. Kulkarni itself goes to show that the management is hiding something from the Tribunal. It is averred that there is no substance in the objections and the reference may be answered in favour of the worker. It is submitted that there is no law of limitation for raising the Industrial Dispute and the contention of the management that the dispute raised by the union is belated and hence not maintainable has no justification.

6. The issues are framed at Ex. '5'. The issues and my findings there on are as follows :

ISSUES

FINDINGS

- | | |
|--|--------------------|
| 1. Whether Smt. K. K. Kulkarni was and is entitled to get the post of telex operator at Pimpri branch in preference to Miss Kota ? | Yes |
| 2. Whether the Bank Management has indulged in unfair labour practice as contemplated under item 4 and item 9 of the fifth schedule of the I.D. Act, 1947 ? | No |
| 3. Whether the action of the Mgt. of Bank of India, Pimpri Br. in not giving the allowance carrying post of telex operator to Smt. K. K. Kulkarni, clerk-cum typist at Pimpri Branch, is justified ? | No |
| 4. If not, to what relief the workman is entitled ? | As per Final Order |
| 5. What Award ? | As per Final Order |

REASONS

7. Mrs. K. K. Kulkarni (Ex. '6') was admittedly posted as clerk-cum-typist on 7-9-1981. She argued that as a clerk-cum-typist she was the senior most for getting the post of telex operator. Mr. P. K. Kelkar (Ex. '16') the Chief Officer (Recovery and Rehabilitation) at Pune Zone office affirm for the management. In cross examination he denied the suggestion that Ms. Kota was appointed as accounts clerk through Banking Services Recruitment Board. It is pertinent to note that in the written argument (Ex. '26') management had produced photo copies of some authorities and some documents. There is office memorandum dated 7-9-81 which relates to vacancy of an accounts clerk. Ms. Kota was posted there as the accounts clerk. She gave an application to the Banking Service Recruitment Board for getting an employment on 20-7-79. The Bank then sent her a selection letter dated 2-12-80 which clearly speaks out that she was selected as accounts clerk. In other words she was posted as accounts clerk and not as clerk-cum-typist. It is argued on behalf of the union that there is no classification such as clerk-cum-typist and clerk knowing typing. It is very clear that accounts clerk and the clerk-cum-typist are two different categories under the clerical cadre. It is common knowledge that the clerk-cum-typist is normally appointed who knows the typing. The fact that Mrs. Kulkarni was appointed as the clerk-cum-typist clearly goes to show that she was knowing typing and admittedly she was doing the work of clerk-cum-typist.

8. From the testimony of Mr. Kelkar and from the documents on the record what is tried to bring on the record that Ms. Kota was knowing typing. From the documents on the record and from the monthly report which was sent during her probation to the regional office it clearly goes to show that she was knowing typing and at some time she did the work of typing. That does not mean that she becomes the clerk-cum-typist. No doubt Ms. Kota is senior to Mrs. Kulkarni, as the employee of the bank. She was also senior to Mr. Kulkarni in that branch.

9. It is not in dispute that the special Allowance post of Telex operator is allotted to the Senior most clerk-cum-typist. As, Mrs. Kulkarni was senior most clerk-cum-typist she was entitled to get the same post.

10. Mr. Kelkar affirmed that the duties of the Telex Operator when given to Ms. Kota the position was explained and conveyed to Ms. Kulkarni. She orally communicated to him that she had no grievance or objections regarding assignment of the telex operators duties to Ms. Kota. Mrs. Kulkarni denied it. I really fail to understand if management was right in allotting the post to Ms. Kota as per the Bipartite

management and the existing procedure, there was no need for them to inform Mrs. Kulkarni the fact. When this plea is taken it clearly goes to show that something was wrong and they wanted to do it with the consent of Mrs. Kulkarni.

It is not in dispute that the regional manager informed Mr. Kulkarni that on the basis of the record Ms. Kota was not entitled to the post of telex operator. Even then the manager insisted on giving the post to Ms. Kota as she was doing the typing work. I am not inclined to accept this position. There is no evidence to show that at any time Ms. Kota was taken into the cadre of clerk-cum-typist leaving her usual posting as accounts clerk. It is common knowledge that the clerk knowing typing is always asked to do the typing work when there is more work or the clerk cum-typist is absent. If such work is done that does not mean that she or he becomes the senior as the clerk-cum-typist for getting the post of Special Allowance. The post of Special Allowance carries a monetary reward which is about Rs. 145. It is a big amount, I am not inclined to accept that Mrs. Kulkarni would have given consent for giving the post of to somebody else.

11. It is argued on behalf of the management that the dispute which is raised by the union is belated and is not turnable. It is admitted fact that the Telex Operators post for which the union has raised the dispute was filled up on 29-1-86 by appointing Ms. Kota. It is also admitted position that the union had raised this dispute on 1-3-90 i.e., after the lapse of more than 4 years. Mrs. Kulkarni had written to the General Secretary of the Union regarding the appointment to Ms. Kota on 11-3-88 i.e., after 2 years of her posting. This period cannot be said to be unreasonable. The union took its own time to raise a dispute there after by two years. According to the management such a inordinate delay in raising the dispute can be the legitimate ground for holding that there does not exist any pendency to the Industrial Dispute. To substantiate this contention it had placed reliance on R. Ganesh V/s. Union of India 1993 (66 FLR 945). That was the case where the Industrial Dispute was raised after about three and a half years. The Lordship came to the conclusion that there is an inordinate delay that can be a legitimate ground for holding that here does not exist any pendency to the Industrial Dispute. But the facts of that case are quite different. In that case after dismissing the workmen appeal application was filed in the court. When the application was pending the worker kept quiet and after its decisions raised the Industrial Dispute.

12. In another case i.e. Bombay Union of Journalists V/s. State of Bombay reported in 1954 L.J.L. page 351 the Lordships have observed that if the claim made for is patently frivolous or is clearly belated the appropriate government may refuse to make the reference. The worker in this reference had written letters and asked for the relief. It clearly goes to say that she did not keep quiet. I therefore find that the ratio in the above said authority has no application.

13. It is tried to argue that the management had practised unfair labour practice as contemplated under item 4 and item 9 of the 5th schedule of the Industrial Disputes Act of 1947. From the evidence laid and from the reasons above it appears to me that it was a question of interpretation of position clerk-cum-typist and clerk knowing typing and doing work. There is nothing on record to show that Unfair Labour Practice was practised by the management while posting Ms. Kota. For all these reasons I find that Mrs. Kulkarni was and is entitled to get the post of Telex-operator at Pimpri Branch in preference to Ms. Kota. She is entitled to allowance of that post from the date Ms. Kota is getting. I record my findings on the issues accordingly and pass the following order :

ORDER

1. The action of the Management of Bank of India, Pimpri Branch is not giving the allowance earning post of telex-operator to Smt. K. K. Kulkarni clerk-cum-typist at Pimpri Branch is not justified.
2. The management is directed to give the allowance of Telex-operator to Mrs. Kulkarni from the date Ms. Kota was appointed.
3. The management to make such payment within 3 months from today.

4. Mrs. Kulkarni is entitled to all other benefits which she would have received as telex operator.

5. No order as to costs.

S. B. PANSE, Presiding Officer

21-11-1995

नई दिल्ली, 12 दिसम्बर, 1995

का. आ. 3404.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में, औद्योगिक अविकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था ।

[संख्या एन-12012/311/88/डी-II-ए/आई. आर. बी.-2]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 12th December, 1995

S.O. 3404.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen, which was received by the Central Government on 3-12-1995.

[No. L-12012/311/88 DIIA/IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 2nd day of November, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE No. 62 OF 1988

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Canara Bank, Madras).

BETWEEN

Shri S. Solaiappan,
No. L-38/8, Central Avenue,
Korattur, Madras—600080.

AND

D.G.M.,
Canara Bank,
Circle Office,
No. 5, Greaves Road,
Madras-600 006.

REFERENCE :

Order No. L-12012/311/88-D.II(A), dated 13-9-1988,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Monday, the 16th day of October, 1995 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru K. Chandru, Advocate appearing for the Workman and of Tvl. T. S. Gopalan, P. Ibrahim Kalifulla and S. Ravindran, Advocates appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

The Government of India, by its Order No. L-12012/311/88-D.II(A) dated 13-9-88, referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal, regarding the dispute :

"Whether the action of the Management of Canara Bank in discharging Sh. S. Solaiappan from service of the bank is justified? If not, to what relief is the workman entitled?"

After service of notices, the petitioner and the respondent filed their claim statement and counter statement.

2. The case of the petitioner is as follows :

The petitioner was appointed as an Assistant in 1960. In 1970 he was promoted as a Special Assistant. At the time of his termination, he was working in Ambattur branch. On 28-12-77, it was brought to the notice of the petitioner that a sum of Rs. 150 which was received to the Credit of R.D. A/c. No. 766 operated by one S. Ramamurthy, was not credited. Though the petitioner handed over the amount for accounting, he could not trace out the records for the same. So, taking the moral responsibilities he remitted the amount on 28-12-77. He also wrote a letter on the same date and requested the Manager to look into the matter. The letter was written on the basis of draft letter given by the Branch Manager. On 13-12-77, one Chidambaram remitted a sum of Rs. 100 towards Account No. VSL 112/77. The petitioner received the amount and signed in the counter foil. Though he was working as Cash Waste in order to help the customers he received the amount. But when the parties subsequently came to close the loan account on 9-1-78, it was found out that the said amount was not credited. Immediately the petitioner wrote a letter to the respondent and requested him to order a thorough investigation. The respondent issued a charge sheet dated 11-1-78 alleging that the petitioner has misappropriated those amounts. He was suspended. The petitioner sent a letter on 16-1-78 denying the charges. Without conducting any enquiry, the respondent recovered a sum of Rs. 100 from the amount of the petitioner and credited to the account of Chidambaram. It was done under the instruction of one Mr. Sankaran. The very same person was appointed as Enquiry Officer. The petitioner objected to the appointment of the Enquiry Officer on that ground. In the domestic enquiry conducted, he was denied reasonable opportunities. The adjournment requested was refused by the Enquiry Officer. In the domestic enquiry, 3 witnesses were examined on the side of the respondent. Though the charges were not proved, Enquiry Officer by his report gave his findings. He also recommended the penalty of dismissal to be imposed on him. A personal hearing was given by the very same Enquiry Officer. The Deputy General Manager who is competent authority agreed with the findings but imposed the penalty of discharge on the petitioner on 18-9-78. He had taken the previous permission of the Managing Director to alter the punishment. The appeal filed by the petitioner was dismissed by the Board of Directors on 5-2-79, after hearing the petitioner. Since there was a Conciliation proceedings pending before the Chief Labour Commissioner, New Delhi, the respondent sought approval u/s. 33(2)(b). The Chief Labour Commissioner granted his approval. The petitioner on legal advice filed a Writ petition before the High Court challenging the order of the Conciliation Officer. When the Writ petition came up for final hearing, petitioner was permitted to withdraw the same and was also directed to raise an Industrial Dispute. Thereafter the petitioner approached the Labour Department. The order of discharge dated 18-9-80 is wholly illegal and thus liable to be set aside. The Enquiry conducted was opposed to principles of natural justice. The respondent had failed to see that in any event the amounts were made good by the petitioner. The respondent did not take into account 18 long years of service. Hence the Tribunal may be pleased to pass an award holding that the discharge of the petitioner is unjustified, and direct the respondent to reinstate the petitioner with continuity of service, back wages and other attendant benefits.

3. The respondent filed his counter contending that the respondent is a Nationalised bank. The practice in the matter of remittance of cash, apart from the cashier, no other employee is empowered or authorised to receive the cash from any party by way of remittance to the bank. In the rendering service to the customer, it is not uncommon for other employees also to receive cash and pass the same to the Cashier alongwith the Challan for his acknowledging receipt of cash by affixing the cash received seal and initialling the same. In the Ambattur branch, one S. Ramamurthy and R. Lalitha, had R.D. Account No. 766. They were remitting a sum of Rs. 150 every month. On 22-11-77, the petitioner received Rs. 150 in cash from the said Account holder to be credited in the account and gave an acknowledgement for the same by initialling in the counter foil of the Challan. However, the petitioner did not bring that cash into account and thereby there was no credit either in the scroll maintained by the Cashier or in the Ledger sheet pertaining to the R.D. Account. On 24-12-77, the said Customer came to the bank and remitted to the Cashier instalment due for December, 1977. When his pass book was filled and returned he found the entry for payment made on 22-11-77 was not made. When he questioned about it, the petitioner intervened and said there must be some wrong credit and asked him to come over 2 days later. When the customer came to the branch 2 days later, the petitioner told him that counter foil was missing and that he had paid the amount. Though there was no necessity for issue of any duplicated pass book, the petitioner told the customer that old pass book was clumsy and he would issue a new pass book. The petitioner issued a new pass book wherein he made all the entries and later on countersigned by the Manager. The conduct of the petitioner raised a doubt about the whole transaction. When the Manager asked the petitioner, petitioner gave a letter dated 28-12-77 stating that he received the money from the customer in the last week of November, 1977 was not accounted for on the same day. He reimbursed the amount alongwith the penalty. On 9-1-78 one Chidambaram who had availed a loan VSL 112/77 came to the branch to pay the last instalment of the loan. He was informed that he has to remit a sum of Rs. 232.48. He told the Branch as per his record, he has to remit only a sum of Rs. 100 plus interest. While comparing his records with the bank ledger, it was found, a sum of Rs. 100 remitted by Chidambaram on 13-12-77 was not given credit. The customer produced the Counter foil. On perusal of the same, it was found that the same was signed by the petitioner. It contained only the Branch Seal and not Cash received seal. When the Petitioner was confronted with the Counter foil, he had admitted having received a remittance of Rs. 100 but could not give any satisfactory explanation. On 11-1-78 a charge sheet was issued. Domestic enquiry was conducted. He tentatively came to the conclusion that the petitioner should be vested with the punishment of dismissal. The petitioner was asked to appear for personal hearing. After personal hearing, the Enquiry Officer made his recommendation. However, on 18-9-78, orders were passed only discharging the petitioner from service. As an industrial dispute was pending before the Chief Labour Commissioner, approval application was made. Against the order of the Conciliation Officer granting approval, the petitioner preferred Writ Petition. Writ Petition was disposed of as withdrawn. After the disposal of the Writ Petition, the petitioner raised an Industrial Dispute. The inordinate delay in raising the dispute is due to the reasons directly attributable to the petitioner. Posting as a Special Assistant is not a promotion. It is not admitted that the petitioner voluntarily handed over a sum of Rs. 150 which was received from the Account holder of R.D. A/s. No. 766. It is denied that letter dated 28-12-77 was written to the detention of the Branch Manager. When the petitioner had admitted having received a sum of Rs. 100 from Chidambaram, and was not given credit to his account, the only inference that can be drawn is that the petitioner had misappropriated the amount for himself. The bank was justified in recovering the amount when petitioner admitted the receipt of the amount and failed to credit it per Chapter XI Regulation 10 Clause (1) of the Canara Bank Service Code, the Enquiry Officer is entitled to deal with the question of punishment. Such a procedure is perfectly in order. The Deputy General Manager who was the competent authority, modified the punishment as of discharge from service instead of dismissal. It is not admitted that on the date of enquiry the petitioner produced a Medical Certificate and despite the same adjournment was refused. The Board of Directors considered the representation of the petitioner and did not find any justification to interfere with

the Punishment. The order of discharge date 18-9-78, is perfectly valid. The letter dated 28-12-77, is only a confirmation of the facts admitted by the petitioner. The conduct of the petitioner reflected on his integrity and therefore the quantum of amount involved is not the criterion. The past record of service of the petitioner was not free from blemish. Hence the claim of the petitioner may be dismissed with costs.

4. By consent, Exs. M.1 to M.29 were marked. Arguments of both counsels were heard.

5. The Point for consideration is: Whether the action of the Management of Canara Bank in discharging Shri S. Solaippan, from the service of the Bank is justified? If not, to what relief is the workman entitled to?

6. The Point: Admittedly, the petitioner was appointed as Assistant in 1960. At the time of his termination, he was working as a Special Assistant. According to the Management, the petitioner who was working as Cash Wastie received a sum of Rs. 150 from the holder of R.D. A/c. No. 766 to be credited for the month of November 1977 and failed to give credit and remitted the amount on 28-12-77. Further on 13-12-77, the petitioner received a sum of Rs. 100 from one Chidambaram who had availed a loan VSL 112/77 and failed to give credit that amount to his account. He also signed in the counter foil of the challan for the receipt of the said amount. These facts were brought to the notice of the respondent when the R.D. Account holder came to the branch on 24-12-77 for the payment due in December, 1977 and the second incident came to the knowledge of the respondent, when the said Chidambaram came to the branch on 9-1-78 to close his loan account. When these facts were confronted to the petitioner, the petitioner admitted having received the amount on both occasion and he gave Exs. M.1 and M.3 letter to the Branch Manager. Thereafter the charge sheet was issued to the petitioner Ex. M.4. Domestic enquiry was conducted. Ex. M.6 is the Enquiry proceedings. Finally the Enquiry officer recommended for the dismissal of the respondent. But the Deputy General Manager modified the punishment as discharge from service on 18-9-78 under Ex. M.25. Regarding the first charge that is for receiving a sum of Rs. 100 from Chidambaram, Loan account holder 112/77 that on 13-12-77 he received a sum of Rs. 100 from the Account holder and signed the counter foil of the pay-in-slip after affixing the seal of the branch. This fact came to the knowledge of the respondent when the account holder came to the bank on 9-1-78 for closing his account. Admittedly the petitioner gave a letter Ex. M.3 admitting that he has received the amount and having signed in the counter foil. He requested the Manager to initiate a thorough investigation. Ex. M.9 is the counter foil. Ex. M.8 is the complaint dated 9-1-78. Ex. M.9 is the counter foil for payment, signed by the petitioner. Ex. M.10 is the extract of the loan card. There also entry has been made by the petitioner for payment of Rs. 100. But this entry was not made in the ledger. Ex. M.11 is the extract of the ledger relating to loan account No. VSL 112/77. This amount has been credited from the account of the petitioner on 17-2-78 as per Ex. M.17. In the explanation submitted by the petitioner also he has not given any reason for not remitting the same on the date when the cash was received by him. He also admitted receipt of the amount only after the account holder gave a complaint on 9-1-78 and when the petitioner was questioned about the complaint. The petitioner has not given the letter Ex. M.3 on his own accord voluntarily prior to the complaint. Only on the date of the complaint given by Chidambaram, Ex. M.8 he has given the letter explaining the same. So, it is proved beyond doubt that he has misappropriated this amount from the date of receipt i.e. 13-12-77 till it is repaid from his account.

7. Regarding Charge No. II, petitioner received a sum of Rs. 150 from the holder of R.D. Account No. 766 on 22-11-77, and failed to give credit to the R.D. Account, when the Account holder came in the month of December 1977, on 24-12-77 for the payment of December due he came to know that the payment for the month of November made on 22-11-77 was not entered in the pass book. When it was questioned, the petitioner asked the customer to come two days later. When the customer came 2 days later, he issued

duplicate pass book with all the endorsement made. The customer got the counter signature from the Manager. Suspecting the issue of duplicate pass book, when the petitioner was questioned, he admitted that he has received the amount from the customer in the last week of November, 1977 and failed to credit in his account and gave a letter Ex. M.1 dated 28-12-77. In the letter Ex. M.1, he has stated that he is trying to recollect to the best of his ability and remembrance, the whereabouts of the voucher and the concerned amount. He asked the Manager to look into the matter. The petitioner taking moral responsibility for the receipt of the amount of Rs. 150 he repaid the amount on 28-12-77, with penalty Ex. M.15. Ex. M.14 is the extract of the pass book. For this amount also, the petitioner has not given any reasonable explanation for not remitting the amount on 22-11-77 when he received the amount. Therefore, from the records, it is proved that the petitioner has misappropriated this amount also from the date of receipt i.e., 22-11-77 till it is repaid by him on 28-12-77. Therefore, for the charge levelled against the petitioner, there is ample documentary and legal evidence to prove charges against the petitioner.

8. The petitioner's counsel contended that the punishment of discharge from service is disproportionate to the charges levelled against him. The petitioner had put in 18 years of service. Without considering his past record of service, he has been discharged from service. He further argued that punishment of dismissal or discharge is not the only punishment contemplated for misconduct. The punishment of dismissal can be imposed only on extraordinary circumstances. Further while imposing the penalty of discharge from service or termination the other circumstances like unemployment problem, absence of unemployment insurance in our country, the amount involved etc., as per the decision reported in 1983 II LLN p 278. In the reported case, it has been held that before imposing the punishment of dismissal various circumstances to be taken into consideration. But at the same time, it has been held that pilferage by Cashier or by Stores Keeper from the Stores in his charge may be viewed with seriousness. The respondent's counsel also relied on the very same judgement for imposing the severe punishment on the observation made by his Lordship. In another judgement reported in 1983 II LLN p 583 the observation made in the judgement reported in 1983 II LLN p 278 has been elaborated by the very same High Court. In the latter judgement, his Lordship has held 'when an employee is holding a sensitive post of trust has been dismissed from service the matter have to be viewed in a different light. By way of illustration we have referred to pilferage by a cashier or a storekeeper from the stores in his charge. But it is a case relating to the bus conductor. If the bus conductor has been dismissed in such circumstances, his reinstatement in the same post would enable him to indulge in the same malpractice in future. Everyday he has to collect fare and issue tickets. Reinstatement in the same post would involve grave risk because of the repetitive opportunity that he would get to indulge in the malpractice and the daily temptation he would face.' In another case reported in 1995 I LLJ p 960, it has been held that 'The cases of misconduct involving allegation of bribe, misappropriation of public funds, theft of Public property etc. constitute a class by themselves and there is no room for leniency or compassion in such like cases. Being a third organ of the State under our Constitutional set up, the Courts cannot be a silent spectator or mute corroborator in such acts of misconducts by public servants. The Court cannot grant any indulgence to a public servant who is found guilty of grave misconduct like cheating, fraud, misappropriation of Public funds, theft of public property etc. In fact any such compassion shown in such like matters would be gravely detrimental to the public interest. In the present case, also, the petitioner is employed in banking Company which deals with Public money. A person dealing with the Public money must be honest without giving room for temptation for misappropriation of money. In the banking business also the employee is expected to deal with money daily. Misappropriating public money by the employee of the bank whether temporarily or permanently is a serious misconduct it will certainly affect the reputation of the bank as a whole. Such a person cannot be allowed to continue in the very same post. So, in view of the decisions cited above and considering the circumstances and the gravity of misconduct committed by the petitioner, the penalty of discharge from service imposed by the Management is perfectly valid.'

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 2nd day of November, 1995

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides.—None.

DOCUMENTS MARKED

For Workman.—Nil

For Management :

Ex. M.1/28-12-77.—Letter from Workman to the Management-Bank (Copy).

M-2/9-1-78.—Complaint by Thiru M. Chidambaram against the workman (copy).

M-3/9-1-78.—Letter from Workman to the Management (copy).

M-4/11-1-78.—Charge sheet issued to the workman (Xerox copy).

M-5/16-1-78.—Reply by the workman to Ex. M.4 (copy).

M-6/21-1-78.—Proceedings appointing Enquiry Officer (copy).

M-7/21-1-78.—Proceedings of the Enquiry Officer (copy).

M-8/9-1-78.—Same as Ex. M.2 (copy).

M-9/13-12-77.—Counter foil for Rs. 100 (copy).

M-10/13-12-77.—Extract of the loan card of Thiru M. Chidambaram (copy).

M-11/13-12-77.—Extract of VSL Ledger (copy).

M-12/9-1-78.—Letter from the workman to the Management (copy).

M-13/27-2-78.—Debit slip for Rs. 100 (copy).

M-14/27-2-78.—Extract of R. D. Account of Thiru S. Ramamoorthy and R. Lalitha (copy).

M-15/27-2-78.—Counterfoil for Rs. 150 (copy).

M-16/28-12-87.—Letter from the Workman to the Management-Bank (xerox copy).

M-17/17-2-78.—Letter from staff section of Management-Bank, Bangalore to the Management-Bank (copy).

M-18/4-3-78.—Letter from Development Section of Management-Bank, Bangalore to the workman (copy).

M-19/15-9-76.—Letter from Deposit Mobilisation Club of Management Bank to the workman (copy).

M-20/7-6-78.—Letter from Defence Representative to the Enquiry Officer (copy).

M-21/12-6-78.—Written submissions made by the Defence Representative (copy).

M-22/7-7-78.—Findings of the Enquiry Officer (copy).

M-23/28-7-78 & 5-8-78.—Proceedings of the Enquiry Officer (copy).

M-24/7-8-78.—Report of the Enquiry Officer (copy).

M-25/18-9-78.—Order discharging the workman from service of the Bank (copy).

M-26/18-9-78.—Application for approval filed before the Chief Labour Commissioner (Central), New Delhi (copy).

M-27/30-12-80.—Order of Chief Labour Commissioner (Central), New Delhi granting approval to the Management (copy).

M-28/13-3-82.—Affidavit filed by the Workman in support of W.P. 2340/82 (copy).

M-29/30-6-87.—Order of Madras High Court in W.P. No. 2340/82 (copy).

नई दिल्ली, 12 दिसम्बर, 1995

का. आ. 3405.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक आफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, संबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-12012/477/87/डी-II-ए/आई. आर. बी.-2)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 12th December, 1995

S.O. 3405.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, CHANDIGARH as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CENTRAL BANK OF INDIA and their workmen, which was received by the Central Government on 5-12-95.

[No. L-12012/477/87/DII(A)IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL, PRESIDING OFFICER CENTRAL INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, CHANDIGARH

I. D. No. 40 of 1987

Vishal Mani Sharma

.. Workman

Versus

Central Bank of India, through Regional Manager, Regional Office, 106, Metro Motor Building, Ambala Cantt., and others

.. Management-Respondent

PRESENT :

1. Shri Mangat Sharma, representative for Workman.
2. Shri Yogesh Jain, representative for the Management.

AWARD

The Central Government vide their order bearing No. L-12012/477 87-D.II (A), dated 18-6-1987, in exercise of the powers conferred by Clause (d) of Sub-Section (1) of Section of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Court :—

“Whether the action of the Management of the Central Bank of India in discharging from service Shri Vishal Mani Sharma, Assistant Cashier-cum-Godown Keeper with effect from 12-9-1985 is justified, if not, to what relief the concerned workman is entitled to ?”

On receipt of the above-said reference of the Central Government, notice was sent to the concerned parties and on appearance, the workman preferred his claim petition to which the Management filed their written statement. The workman also filed rejoinder to the written statement as filed by the Respondent Management. Thereafter the parties were afforded an opportunity to lead their evidence. While the workman Shri Vishal Mani led his evidence in the form of an affidavit

Exhibit W-1, he also managed to get filed affidavit Exhibit W-19 of Shri Mangal Sharma, Special Assistant Central Bank of India, Amritsar Cantt. Besides the said affidavit the parties also placed on record various documents Exhibit W-2 to W-21. The Respondent Management also filed affidavit of Shri D. K. Gupta, Chief Manager, Central Bank of India, Zonal Office, Chandigarh, which is Exhibit M-2. The Management also filed enquiry report Exhibit M-3, which is quite detailed and voluminous. S/Shri Vishal Mani Sharma, workman, Mangal Sharma, General Secretary, Central Bank of India Employees Union and D. K. Gupta, Chief Manager, Central Bank of India, Chandigarh, were thereafter also produced in the witness box cross-examination by the Opposite parties.

Shri Vishal Mani Sharma, workman, in his statement of claim indicated that he joined the service of the Bank as a Peon on 1-11-1957 and his conditions of service were governed by the provisions of Bhasini Award, Desai Award and Bipartite settlement as applicable to the employees of the Bank. He further alleged that he was promoted to the clerical cadre on 1-4-1970 and was posted at Adalat Bazar, Patna Branch of the Bank. While working in the said Branch, he was issued a charge-sheet dated 10-11-1978 by the Assistant General Manager of the Bank and a departmental enquiry was ordered against him and Shri N. C. Garg, Branch Manager was appointed as an Enquiry Officer. He also alleged that while the enquiry proceedings were still going on, Shri K. C. Katoch, Chief Manager, Divisional Office, Ludhiana, vide his letter dated 5-8-1982, assumed the powers of the Disciplinary Authority and substituted Shri I. P. Chopra, Assistant Divisional Officer, Amritsar to hold the enquiry in place of Shri N. C. Garg. Shri Katoch, according to him also informed him that the said charge-sheet earlier issued by the Assistant General Manager of the Bank was deemed to have been issued by him as Disciplinary Authority and Shri I. P. Chopra appointed as an enquiry Officer would submit his findings, on which the final orders would be passed by Shri K. C. Katoch, the Disciplinary Authority. The workman also further alleged that since the chargesheet had been issued earlier by the Assistant General Manager, Chandigarh, the proceedings continued later on at the instance of Shri K. C. Katoch were not legally competent. He also alleged that he had requested for change of the Enquiry Officer, but his request was not granted and he filed representations in this regard to the higher authorities. It was further asserted by him that the Enquiry Officer held ex parte proceedings against him on 16-6-1983 and 8-7-1983, when he was confined to bed and proper opportunity was not afforded to him by the enquiry officer. According to him, since there was non-compliance of the principles of natural justice, the impugned order discharge from service as passed against him by the respondent Management was clearly bad in law and unjust. The respondent Management, in any case, rebutted the assertions of the workman and maintained that the respondent Management had proceeded in the matter strict in accordance with the provisions of the settlement and rules of the Bank and that the impugned order was passed against the workman after fully complying with the principles of natural justice and affording him the required opportunity at all levels.

I have heard the arguments of the parties have also gone through the various documents tendered also the other relevant record made available. In his affidavit Exhibit W-1, the workman deposed that after issuance of charge-sheet dated 10-11-1978, the Enquiry Officer was appointed by the Respondent Management and represented for change of the enquiry officer on 22-9-1978, followed by a reminder dated 7-12-1982 vide documents Exhibit W-3 and W-4 respectively. He also reiterated various other assertions as highlighted in the claim statement and as stated above. It was further deposed the complainant Shri Mehkam Singh was not produced the respondent Management during the proceedings of the enquiry for his cross-examination and while issuing show cause notice, the findings of the enquiry officer also not made available to him. It is further deposed in this affidavit that the final order was passed by the Disciplinary Authority discharging him from service on 19-12-1985, while he was actually discharged on 12-9-1985, that is two after the personal hearing was afforded to him by the Disciplinary Authority. As per his further deposition, his appeal was also dismissed by the Appellate Authority on 25-2-1986. In his cross-examination, it was in any case, achieve by Shri Vishal Mani Sharma that he was intimidated about the holding of the enquiry by enquiry officer on 16-6-1983 and 8-7-1983 and had not out in appearance before the Enquiry Officer on the said

dates, as on the last date he was confined to bed and the other date his representative was not available. He also admits that he did not inform the Enquiry Officer about his inability to associate himself in the enquiry on the said dates. He also admits that his signatures were duly obtained by the enquiry officer on the dates as would be apparent from the proceedings in the enquiry. It has also further been admitted the workman in his cross-examination that he was served with a show cause notice providing provisional penalty and he was also given personal hearing by the Disciplinary Authority as also by the Appellate Authority. Shri Mangal Sharma, the General Secretary of the Bank Employees Union, who tendered affidavit Exh. W-19, in his cross examination, also admitted that the enquiry officer had dealt with all the objection raised by him on behalf of the workman. He also admits in the cross examination that he was present with the workman at the time of personal hearing afforded by the Disciplinary Authority as also the Appellate Authority. The Respondent Management in their affidavit Exhibit M-2, however, deposed Shri Vishal Mani was proceeded against departmentally for the committed gross misconduct, as he misappropriated a sum of Rs. 500/-, which was meant to be deposited in the Account of one Shri Mohkam Singh, Proprietor, Gurunank Furniture House Patiala. According to the deposition of this witness Shri D. K. Gupta, Chief Manager, the workman clandestinely pocketed the money and gave counter foil to the said Shri Mohkam Singh on 13-2-1978 duly filled in by him also stamped and signed by him with a view to create an impression in the mind of Shri Mohkam Singh that the money has been deposited in his account. It was further deposed that as a matter of fact the money was not deposited in the account of Shri Mohkam Singh. On receipt of complaint, he was charge-sheeted and after holding an enquiry against him, the impugned order was passed discharging the workman from the service of the Bank. It was further deposed that the workman was afforded the required opportunity as per Rules at every stage and the impugned order was passed after fully complying with the principles of natural justice.

After appreciation of the evidence led by both the parties, I have also gone through the relevant documents as placed on record by the workman and the Respondent Management. It is clear from the record that Shri Vishal Mani was charge-sheeted containing the charge of misappropriation of Bank money amounting to Rs. 500/- vide Charge-sheet Exhibit W-2. Even though, the workman had been making representations for change of the enquiry officer, yet the fact remains that he participated in the enquiry except on two dates on which he was proceeded against ex parte as inste of notice he deliberately failed to appear before the Enquiry Officer on the said dates Exhibit J-3 of the proceedings by the Enquiry Officer held by him against the workman on various dates. The enquiry proceedings are quite detailed and voluminous and run into 129 pages, besides the various other documents relied upon by the Enquiry Officer during the course of the enquiry. I have carefully gone through enquiry proceedings and it is evident therefrom that Shri Vishal Mani was afforded due opportunity by the Enquiry Officer on each and every dates of hearing. He was also represented during the course of enquiry by his representative who had been examining and cross-examining the witnesses at length. The proceedings as recorded by the enquiry officer clearly reveal that the enquiry officer has been quite particular with regard to the fact that proper opportunity was afforded to the workman as requirement of the principles of natural justice. In any case, the enquiry officer proved the allegations against the workman and thereafter the workman was served with a show cause notice. Exhibit W-9 proposing the penalty of discharge from the service of the Bank with immediate effect under Para 19.6 (e) of the Bipartite settlement holding him guilty for gross misconduct as committed by him. The record clearly shows that before issuance of the impugned order, personal hearing was also afforded to the workman and this fact is also rather stands admitted by him in his cross-examination. At the appellate stage the Authorities gave him the required opportunity of personal hearing before his appeal was dismissed by the Appellate authority. The perusal of the record clearly shows that the impugned order was passed by the Competent authority after fully complying with the provisions of the Rules and the requirements of Bipartite settlement. Shri Vishal Mani Sharma by his act of misconduct not only staked the reputation and the working of the Bank in the eyes of general public by misappropriating the money deposited with the Bank by a customer. With his such a conduct there has apparently been a bonafide loss of confidence

in this workman at the hands of the Authorities in the Bank. I am, thus, satisfied that the respondent Management complied with the requirements of rules and the principles of natural justice while passing the impugned order discharging Shri Vishal Mani from the service of the Bank. The action of the Management of the Central Bank of India in discharging Shri Sharma from service with effect from 12-9-1985 is, thus, perfectly justified and leg. and in circumstances the reference of the Government is answered accordingly. And the same stands disposed of.

November, 13, 1995.

S. R. BANSAL, Presiding Officer.

नई दिल्ली, 12 दिसम्बर, 1995

कां० 3406:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण मद्रास, के वंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एन-12012/869/88/डी-II-(ए)/बी०-2]

New Delhi, the 12th December, 1995

S.O. 3406.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workmen which was received by the Central Government on 5-12-95.

[No. L-12012/869/88-II-A/IR (B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL
NADU MADRAS

Friday, the 3rd day of November, 1995
PRESENT :

Thiru N. Subramanian, B.A. B.L., Industrial Tribunal
Industrial Dispute No. 36 of 1989

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of Canara Bank, Madurai).

BETWEEN :

Thiru S. Pughazendi,
Post Office Quarters,
Batlagundi,
Anna District-624 202.

AND

D.G.M.,
D A C, Canara Bank,
St. Mary's Complex,
East Veli Street,
Madurai-625 001.

REFERENCE :

Order No. L-12012/869/88-D.II(A), dated 3-4-89,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 20th day of October, 1995 upon perusing the reference, Claim and Counter statements and all other material papers on re-

cord and upon hearing the arguments of Thiru R. Arumugam for Mr. Aiyar & Dona, Advocates appearing for the Workman and of Mr. I. S. Gopalan, P. Ibrahim Kulifulla, and S. Ravindran, Advocates appearing for the Management, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

Government of India by its letter No. L-12012/669/88-D.II(A), dated 3-4-89 referred for adjudication of this Tribunal U.S. 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute.

“Whether the action of the Management of Canara Bank in dismissing Shri S. Pughazendi, from service is justified? If not, to what relief is the workman entitled?”

After service of notices, the petitioner and the respondent filed their claim statement and counter statement respectively. The case of the petitioner is as follows.—The petitioner joined as a Clerk in the respondent-bank on 1-10-82 at Gandhipuram. In 1983, he was working in Uvari branch at Tirunelveli District. He was issued with two charge sheets dated 21-5-86 and 12-8-86 alleging that the petitioner claimed 1 Class 10 and FRO charge in connection with journey undertaken between Tirunelveli and Madurai without actually travelling in the first class as declared by the petitioner in his 1. A. bill. The respondent-conducted two separate enquiries on two charge sheets. The petitioner actually travelled from Tirunelveli to Madurai, but he claimed 1st class fare as he bonafidely believed that he is entitled to 1 Class fare. Enquiry Officer without seeing actual happenings gave a finding on 3-10-86 and 29-10-86 and recommended punishment or dismissal. The Management issued an order on 2-3-87 imposing a punishment of stoppage of 5 increments cumulatively for the charge sheet dated 25-7-86 and for the other charge sheet dated 12-8-86 imposed punishment of dismissal on 23-5-87. For the same and similar misconduct two kinds of punishments were imposed. The petitioner filed an appeal before the Appellate Authority against the Order of dismissal. The appeal was dismissed. Thereafter he raised an Industrial dispute. After failure of the Conciliation, the Central Government has referred dispute for adjudication. The petitioner was asked to attend the enquiry at Madurai on 20-9-85. He actually came to Madurai on 17-9-85 and returned on 2-9-85. Again he was asked to attend the enquiry on 10-10-85. He came to Madurai on 9-10-85 and returned on 14-10-85. Again he was asked to attend the enquiry on 27-1-86. He came to Madurai on 25-1-86 and returned on 1-2-86. For the hearing on 17-2-86 he came to Madurai on 15-2-86 and returned on 21-2-86. As he was asked to go to Madurai from his workspot, he is entitled to To and Fro charges and other travelling allowance. He has not committed any act of commission or omission warranting the punishment of dismissal. The petitioner has put in more than 5 years of service. The past record of service and other relevant factors were not taken into consideration before imposing the extreme and severe punishment of dismissal. Hence this Hon'ble Tribunal may be pleased to pass an award holding that the action of the respondent in dismissing the petitioner from service is not justified and direct the respondent to reinstate the petitioner with full backwages and continuity of service and other attendant benefits.

3. The respondent filed its counter contending that the respondent is a nationalised bank. Being a financial institution, the respondent expects its employees at all levels to maintain a high level of integrity. When an employee is found to be lacking in integrity, respondent views the same very seriously. As part of service conditions, Clerical staff and employees in the higher cadre are permitted to travel by first class whenever an employee is required to undertake travel in the course of his employment, by rail. While submitting his claim, he is required to give declaration, he travelled by the class in which he made the travel, for which he is claiming fare. The petitioner joined service in 1982. He was issued a charge sheet dated 14-6-85 for the misconduct of habitual absence and irregular attendance. He was required to appear for the domestic enquiry on 20-9-85 and 10-10-85. After appearing for the enquiry on 20-9-85 and 27-9-85, he submitted a bill claiming first class train fare from Tirunelveli to Madurai and from Madurai to Tirunelveli. He has also given number of train tickets.

Summary and attending enquiry on 10-10-85 he submitted a bill on 20-10-85. Even in this bill also he gave the ticket numbers. On both occasions he gave the declaration that he had travelled by the first class for which the claim was made. On 10-12-85 he was charge sheeted for the disobedience of lawful orders and go slow. In connection with the charge sheet dated 14-6-85 he was asked to appear for domestic enquiry on 27-1-86. In connection with charge sheet dated 10-12-85, he was asked to appear for enquiry on 17-2-86. For appearing for the enquiry on 27-1-86, he submitted a bill on 3-2-86 claiming first class train fare from Tirunelveli to Madurai and from Madurai to Tirunelveli. For the journey on 17-2-86, he submitted a bill on 20-2-86. In both occasions he gave ticket numbers of the train tickets. While going through the train ticket numbers, it was found that the ticket numbers were running to six digits and when the matter was investigated, it was found that no such first class ticket bearing such numbers was issued at Tirunelveli junction or at Madurai junction. On 27-5-86, the petitioner was issued with a charge sheet for false claim for attending the enquiry on 20-9-85 and 10-10-85. In the enquiry, petitioner admitted his guilt. When the genuineness of the train tickets given for attending the enquiry were probed into, it was found that those tickets were false. On 12-8-86 another charge sheet was issued for making false claim. In the enquiry, the petitioner pleaded guilty. On 9-12-85, the petitioner misbehaved towards his superior. He was punished with stoppage or one increment with cumulative effect for that misconduct. The gravity of the charge proved against the petitioner should not be viewed with reference to the amount involved in the false claim. When the false claim was made, petitioner had hardly put in 4 years of service and he was facing disciplinary action for 2 misconducts. Viewed in that context, there was no scope to show any lenience or compassion in the matter of punishment. The petitioner did not travel by first class. He was required to make a declaration about the class of travel undertaken by him, he cannot be heard to say that he made a claim for first class fare on bona fide belief that he was entitled to first class fare. In respect of the false claim of the first class train fare covered by charge sheet dated 27-5-86, he was given punishment of stoppage of 5 increments. When it came to the subsequent charge sheet dated 12-8-1986, he was awarded with maximum penalty of dismissal. The period of service put in by the petitioner was less than 4 years. In view of such short tenure, it was not necessary to look into the past record. Moreover when the misconduct proved against the petitioner was per se serious irrespective of the past record of service of the petitioner, the punishment of dismissal cannot be said to be harsh and excessive. Hence the claim of the petitioner may be dismissed with cost.

4. By consent, Exs. M. 1 to M. 48 marked.

5. The point for consideration is : Whether the action of the Management of Canara Bank in dismissing Sri S. Pughazendi, from service is justified ? If not, to what relief is the workman entitled to ?

6. The Point : The petitioner was working as a Clerk in the Uvay branch of the respondent in 1985. He was facing 2 domestic enquiries on charge sheets dated 10-12-85 and 14-6-85. Domestic enquiry was conducted in Madurai. For the enquiry proceedings for the charge sheet dated 10-12-85 the petitioner was asked to appear on 17-2-86. For the charge sheet dated 14-6-85 he was asked to appear on 27-1-86. It is admitted case the petitioner appeared before the domestic enquiry on all the hearing dates. The petitioner is eligible to travel upto first class in the train for the journey conducted in the course of his employment. The petitioner who attended the enquiry in Madurai on the hearing dates claimed travelling allowance at the rate of first class fare for his travel from Tirunelveli to Madurai and from Madurai to Tirunelveli. The claim made by the petitioner is false. The petitioner did not actually travel in the first class. For the appearance of the petitioner before the enquiry on 20-9-85 on the charge sheet dated 14-6-85, he submitted his bill on 27-2-85 Ex. M. 10. Similarly for attending the enquiry on 10-10-85, he submitted his claim on 28-10-85, Ex. M. 12. In Exs. M. 10 and M. 12, the petitioner has made a declaration that he had actually travelled by the first class. In the same manner for the attendance of the petitioner for the enquiry on 27-1-86, he submitted his bill on 3-2-86 Ex. M. 31. Ex. M. 32 is the declaration made by him in Ex. M. 31. For his attendance before the enquiry on 17-2-86 he submitted his bill M-34 on 28-2-88. The petitioner noted the ticket numbers in his claim to prove his

travel in the first class. On suspicion, the Management enquired the railway authorities whether such tickets were issued to the petitioner on the respective dates. The railway authorities replied that no such first class tickets were issued with numbers given in the claim, particularly to the petitioner either from Tirunelveli to Madurai or from Madurai to Tirunelveli. Therefore, the Management issued a charge sheet Ex. M. 9 for his alleged false claim, for the dates 27-2-86 and 28-10-85. On 27-5-86 a domestic enquiry was conducted. In the domestic enquiry the petitioner admitted his guilt apart from that he did not cross-examine the Management witness examined in the enquiry. Further he has replied to the Enquiry Officer when the Enquiry Officer asked the petitioner the mode of travel, that the petitioner travelled in the bus. So for that charge, the punishment of stoppage of increment for 5 years with cumulative effect was imposed. Ex. M. 28 is the order. For making a false claim under Exs. M. 31 and 34, a charge sheet was issued to the petitioner on 12-8-86 Ex. M. 41. He was suspended on the same day under Ex. M. 42. Enquiry was conducted. Ex. M. 43 is the enquiry proceedings. M-44 is the findings. Ex. M. 31 and M. 34 are T. A. bill submitted by the petitioner with the declaration. For the charges levelled in Ex. M. 41 petitioner during the enquiry proceedings admitted the charges levelled against him. He has not cross-examined the Management witness. Therefore, the Enquiry Officer submitted his findings stating that the charges levelled against the petitioner were proved and recommending the punishment of dismissal after giving a personal hearing. Finally the Management passed a dismissal order on 23-5-87 under Ex. M. 46. Appeal preferred by the petitioner was also dismissed under Ex. M. 48. The petitioner has raised the dispute only against the dismissal order passed under Ex. M-46 in respect of the charge sheet dated 12-8-86. From the admissions of the petitioner and the other available records, it is clearly proved that the petitioner has made a false claim without actually travelling in the first class. So, nothing can be said against the findings of the Enquiry Officer.

7. It is argued by the petitioner's counsel the punishment imposed under Ex. M. 46 is disproportionate and different punishments were given for similar charges. It is true, for the very similar charge dated 27-5-86, he was given a punishment of stoppage of 5 increments cumulatively. For the other charge dated 12-8-86 for the similar misconduct, he was dismissed from service. The Management took a lenient view at the first instance for the alleged misconduct. The Management imposed a severe punishment for the very similar misconduct reported by the petitioner for the second time. It is natural for anybody to impose a lesser punishment for the first offender. If he commits a similar offence subsequently different punishment will be imposed. So on the second occasion committing a similar misconduct, imposing a severe punishment of dismissal cannot be said to be disproportionate or very severe. The petitioner has joined duty only in 1982. Within 3 years of his service committing misconduct and even before that he was charge sheeted on 14-6-85, 10-12-85 and 24-4-86 under Ex. M. 1, M. 4 and M. 7. But he was punished for those misconducts. Therefore, the past conduct of the petitioner is not good. Further the petitioner has made a false claim even during the pendency of the domestic enquiry against him. For attending the domestic enquiry he has made a false claim knowing that he is making false claim. Making false claim on two occasions clearly indicates his dishonest intention to cheat the Management-Bank. So, a person committing misconduct very frequently and also having dishonest intention to cheat the Management cannot be allowed to continue in the banking business. So, the punishment of dismissal imposed by the Management is justified, considering the conduct and circumstances of the case.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 3rd day of November, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides : Nil

DOCUMENTS MARKED

For Workman : Nil

For Management :

- Ex. M-1/14-6-85 : Charge sheet issued to the Workman (copy).
- Ex. M-2/15-2-86 : Order of punishment issued to the workman (copy).
- Ex. M-3/ : Proceedings of Disciplinary Authority dated 30-12-86 and Order of Appellate Authority dated 9-12-86 (copy).
- Ex. M-4/10-12-85 : Charge sheet (copy).
- Ex. M-5/13-5-86 : Order of Punishment (copy).
- Ex. M-6/31-3-87 : Proceedings of Disciplinary Authority (copy).
- Ex. M-7/24-4-86 : Charge sheet (copy).
- Ex. M-8/30-9-86 : Order of punishment (copy).
- Ex. M-9/27-5-86 : Charge sheet (copy).
- Ex. M-10/27-9-85 : T. A. Bill of the workman for attending enquiry on 20-9-85 at Circle Office, Madurai (Xerox copy).
- Ex. M-11/30-9-85 : Declaration given by the workman for travelling in 1 Class on 17-9-85 and 21-9-85 (copy).
- Ex. M-12/28-10-85 : T.A. Bill of the Workman for attending enquiry on 10-10-85 (Xerox copy).
- Ex. M-13 : Declaration given by the Workman for having travelled in 1 Class on 9-10-85 and 14-10-85 (copy).
- Ex. M-14/23-11-85 : Letter from the Divisional Manager, Tirunelveli Branch to the Management-Bank regarding T. A. Bills submitted by the workman (copy).
- Ex. M-15/29-11-85 : Reply by the Management to Ex. M. 14 (copy).
- Ex. M-16/16-12-85 : Letter from Management to Southern Railway regarding T. A. bills (copy).
- Ex. M-17/28-12-85 : Letter from Management to Southern Railway regarding T. A. bills (copy).
- Ex. M-18/6-1-86 : Reply by the Divisional Railway Manager, Southern Railway, Madurai to Ex. M. 16 (xerox copy).
- Ex. M-19/13-1-86 : Letter from the Management to the Management Bank, Tirunelveli Branch (copy).
- Ex. M-20/9-4-86 : Investigation report submitted by the Disciplinary Action Cell (copy).
- Ex. M-21/2-1-86 : Reply by the Divisional Manager, Southern Railway Madurai to Ex. M.17 (copy).
- Ex. M-22/2-7-86 : Enquiry Notice (copy).
- Ex. M-23/4-8-86 : Proceedings of the Enquiry Officer (copy).
- Ex. M-24/25-8-86 : Findings of the Enquiry Officer (copy).
- Ex. M-25/9-9-86 : Proceedings of the Enquiry Officer (copy).
- Ex. M-26/17-7-86 : Proceedings of the Enquiry Officer (copy).
- Ex. M-27/3-10-86 : Proceedings of the Enquiry Officer (copy).
- Ex. M-28/2-3-87 : Dismissal Order (copy).
- Ex. M-29/23-2-88 : Order of the Appellate Authority (copy).
- Ex. M-30/27-1-86 : Attendance Certificate issued to the workman (copy).
- Ex. M-31/3-2-86 : T. A. Bill of the workman (Xerox copy).
- Ex. M-32/ : Declaration given by the workman (copy).
- Ex. M-33/17-2-86 : Attendance Certificate issued to the workman (copy).
- Ex. M-34/28-2-86 : T. A. Bill of the workman (copy).
- Ex. M-35/29-4-86 : Letter from the Management-Bank to Southern Railway (copy).
- Ex. M-36/9-5-86 : Letter from the Management-Bank to Southern Railway (copy).
- Ex. M-37/16-5-86 : Reply by the Divisional Railway Manager, Southern Railway, Madurai to Ex. M. 35 (copy).
- Ex. M-38/16-5-86 : Reply by the Divisional Railway Manager, Southern Railway, Madurai to Ex. M-36 (copy).
- Ex. M-39/ : Investigation Report against the workman (copy).
- Ex. M-40/11-4-86 : Letter from Management-Bank, Tirunelveli Branch to the Management Bank regarding verification of journey particulars (copy).
- Ex. M-41/12-8-86 : Charge sheet issued to the workman (copy).
- Ex. M-42/12-8-86 : Suspension order Charge sheet issued to the workman (copy).
- Ex. M-43/7-10-86 : Proceedings of the Enquiry Officer (copy).
- Ex. M-44/16-10-86 : Findings of the Enquiry Officer (copy).
- Ex. M-45/27-10-86 : Proceedings of the Enquiry Officer (copy).
- Ex. M-46/23-5-87 : Dismissal Order (copy).
- Ex. M-47/1-7-87 : Appeal preferred by the Workman against the dismissal Order (copy).
- M-48/3-2-88 : Order of Appellate Authority (copy).

INDUSTRIAL TRIBUNAL.

नई दिल्ली, 12 दिसम्बर, 1995

का. आ. 3407.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचदश को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या पत्र-12012/618/86/डी-11/आई. आर. वी.-2]
ब्रज मोहन, उपाध्यक्ष अधिकारी

New Delhi, the 12th December, 1995

S.O. 3407.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, KANPUR as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ALLAHABAD BANK and their workmen, which was received by the Central Government on 5-12-1995.

[No. I-12012/618/86-D.II A/IR (B II)]

BRAJ MOHAN, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 88 of 1995

In the matter of dispute between

Shri Jai Shankar
S/o Shri Ram Rawat
C/o Allahabad Bank
Naipurwa,
Kanpur

AND

Assistant General Manager,
Allahabad Bank,
113/58, Swaroop Nagar,
Kanpur.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its notification No. L-12012/618-86-D.II (A) dated 14th July 1995, has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of Allahabad Bank in terminating the services of Shri Jai Shankar w.e.f. 11-7-1984 and not considering him for further employment while recruiting fresh hands in terms of section 25-H of the I.D. Act is justified. If not, to what relief is the said workman entitled?”

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleading and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 1995

का. आ. 3408.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्श्योरेंस कंपनी लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-17012/4/95/—आई आर बी.-2]

बृज मोहन, डेस्क अधिकारी

New Delhi, the 12th December, 1995

S.O. 3508.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Insurance Co. Ltd. and their workmen, which was received by the Central Government on 5-12-1995.

[No. L-17012/4/95-IR (B-II)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CUM LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 98 of 1995

In the matter of dispute between

Shri Ram Bhajan
Village-Chhoti Takiya
Rai Bareilly,

AND

The Branch Manager,
National Insurance Company Ltd.,
Rai Bareilly.

AWARD

1. The Central Government, Ministry of Labour, New Delhi vide its Notification No. L-17012/4/95-IR (B-II) dated 20th July, 1995, has referred the following dispute for adjudication to this Tribunal—

“Whether the contention of Sri Ram Bhajan, Ex-casual workman that the management of National Insurance Co. Ltd., Rai Bareilly have terminated his service illegally w.e.f. 27-12-1992, without complying with the provisions of Section 25-F of the I.D. Act, 1947 is correct? If so, what relief is the said workman entitled to?”

2. In the instant case despite issue of notice neither the workman appeared nor filed statement of claim. It thus appears that the concerned workman is not interested in prosecuting his claim.

3. Therefore, in view of above the reference is decided against the concerned workman for want of pleadings and proof.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 दिसम्बर, 1995

का. आ. 3409.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार श्रीमती एल. सी. विल्लवारयर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-95 को प्राप्त हुआ था।

[संख्या एल-44012/2/93-आई आर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th December, 1995

S.O. 3409.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Smt. L. C. Villavarayer and their workmen, which has received by the Central Government on the 1-12-95.

[No. L-44012/2/93-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Friday, the 13th day of October, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal,

Industrial Dispute No. 100/94

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Smt. L. C. Villavarayer, Tuticorin).

BETWEEN :

Thiru S. Peter,
C/o. The General Secretary,
Tirunelveli Dist. Democratic,
General Workers' Union,
Tuticorin-628 001.

AND

L. C. Villavarayer, C/o. The Secretary,
The Tuticorin Sailing Vessel Owners,
Association,
72, Thattar Street,
Tuticorin-628 001.

REFERENCE :

Order No. L-44012/2/93-JR (Misc.), dated 1-3-94,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 22nd day of September, 1995, upon perusing the reference. Claim statement and all other material papers on record and upon hearing the arguments of Tvl. R. Arumugam and M. Jayaprakash, Advocates appearing for the Workman and the Management being absent, and set exparte and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Government of India by its Order No. L-44012/2/93-JR(Misc.), dated 1-3-94, referred for adjudication, by this Tribunal u/s. 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute :—

"Whether the action of the Management of Smt. L. C. Villavarayer in denying employment to Sh. S. Peter, is justified ? If not, to what relief the concerned workman is entitled ?"

2. The case of the petitioner briefly stated is as follows.—The petitioner was working as one of the boatman under the respondent in boat no. TU 45, from 1971. The duties of the boatman are to carry the Cargo from the boats to the ship and also to bring the cargo from the ship to the shore. The respondent paid monthly wage on piece rate basis at Rs. 1,500 to Rs. 2,000 per month. He also paid Rs. 5 as batta to the petitioner and Rs. 35 as educational allowances to their children. The petitioner and other similar workers working with other boat owners joined together and formed a Union to place their grievances before the Management. The petitioner place general demands before the Management. The respondent and other boat owners disliked the formation of the Union and in retaliation, orally terminated the service of the President of the Union. The respondent refused to give work to the petitioner from 13-2-91. All the workers went on a strike for 15 days from 27-1-91. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before the Conciliation Officer. After failure of the Conciliation the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new union was formed and the petitioner joined that Union. Petitioner was not charge sheeted. No enquiry was conducted. The action of the respondent in denying employment is in total violation of principles of natural justice. The petitioner has put in more than 20 years of

service. The petitioner is a permanent boatman and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act are not followed. The action of the respondent is clearly an unfair labour practice and victimisation. Hence the dispute has been raised.

2. The respondent remained exparte.

3. WWI was examined and Exs. W-1 to W-5 were marked. According to him he was working as boatman from 1971 under the respondent. In 1991 the workers formed a Union and placed their demands before the Management. Aggrieved by the demands, by the Petitioners and others, the respondent refused to give work to the petitioner from 13-2-91. The petitioner had put in more than 20 years of continuous service. He was not charge sheeted and no enquiry was conducted. The provisions of the Industrial Disputes Act, particularly Sec. 25-F was not followed. So, it is clearly proved from the evidence of WWI and the documents marked, the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service, with continuity of service, and back wages. No costs.

Dated, this the 13th day of October, 1995

TIRU N. SUBRAMANIAN, Industrial Tribunal
WITNESSES EXAMINED

For Workman :

WW. 1.—Thiru S. Peter.

For Management : None.

DOCUMENTS MARKED

For Workman :

Ex. W-1 —Xerox copy of Photo pass issued to Thiru S. Peter.

W-2 —Dispute raised by Th. S. Peter before the Assistant Labour Commissioner (Central), Madras u/s. 2-A of the I.D. Act, 1947 (Xerox copy).

W-3 —Counter statement filed by the Management before the Labour Enforcement Officer (Central), Madras (Xerox copy).

W-4/3-6-92.—Letter from Harbour Master, Tuticorin Port Trust, Marine Department to Traffic Department (TPT) regarding termination of boat workers (Xerox copy).

Ex. W-5/1-3-91.—Letter from the General Secretary, Boat Workers' Union, Tuticorin to the District Collector Tuticorin (Xerox copy).

For Management.—Nil.

नई दिल्ली, 4 दिसम्बर, 1995

का. आ. 3410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पी. जी. विल्लवारयार के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-95 को प्राप्त हुआ था।

[संख्या एन-44012/31/93-आई आर (विविध)]

बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 4th December, 1995

S.O. 3410.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of P. Joe Villavarayer and their workmen, which has received by the Central Government on the 1-12-95.

[No. L-44012/31/93-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 13th day of October, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal
Industrial Dispute No. 113/1994

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of P. Joe Villavarayer, Tuticorin).

BETWEEN :

Thiru A. Jawaharlal,
C/o. The General Secretary,
Tirunelveli Distt. Democratic,
General Workers' Union.
Tirunelveli Distt. Democratic General Workers' Union,
Tuticorin-628 001.

AND

Thiru P. Joe Villavarayer,

Thiru P. Joe Villavarayer,
C/o. The Secretary,
The Tuticorin Sailing Vessel Owners'
Association,
72, Thattar Street, Tuticorin-628 001.

REFERENCE :

Order No. L-44012/31/93-IR(Misc.), dated 4-4-94,
Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Friday, the 22nd day of September, 1995 upon perusing the reference, Claim statement and all other material papers on record and upon hearing the arguments of Tvl. R. Arumugam and M. Jayaprakash, Anthony and representative appearing for the workman, and the Management being absent, and set exparte, and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

The Government of India, by its Order No. L-44012/31/93-IR(Misc.), dated 4-4-94, referred for adjudication by this Tribunal u/s. 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute :—

"Whether the action of the Management of P. Joe Villavarayer in denying employment to Sh. A. Jawaharlal is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the petitioner is as follows.—The petitioner was working as one of the boatman under the respondent in Boat No. TU 32 from 1987. The duties of the boatman are to carry the Cargo in the boats to the Ship and also to bring the cargo from the ship to the shore. The respondent paid monthly wage on piece rate basis at Rs. 1,500 to Rs. 2,000 per month. He also paid Rs. 5 as batta to the petitioner and Rs. 35 as educational allowance to their Children. The petitioner and other similar workers working with other boat owners joined together and formed a Union
3021 GI/95—9

to place their grievances before Management. The petitioner placed several demands before the Management. The respondent and other boat owners disliked the formation of the Union and in retaliation orally terminated the service of the President of the Union. The respondent refused to give work to the petitioner from 13-2-91. All the workers went on a strike for 15 days from 27-1-91. Conciliation talk before the Collector did not materialise. Hence they raised the dispute before Conciliation Officer. After failure of the Conciliation, the Central Government has referred the dispute for adjudication. The respondent denied employment to the petitioner only on the sole ground that a new union formed and the petitioner joined in that Union. Petitioner was formed and the petitioner joined in that Union. Petitioner's action of the respondent in denying employment to the petitioner is in total violation of principles of natural justice. The petitioner has put in more than 4 years of service. The petitioner is a permanent boatman and cannot be thrown out in that fashion. Various provisions of the Industrial Disputes Act are not followed. The action of the respondent is clearly an unfair labour practice and victimisation. Hence the dispute has been raised.

2. The respondent remained exparte.

3. WW1 was examined and Exs. W-1 to W-5 were marked. According to him he was working as boatman from 1987 under the respondent. In 1991 the workers formed a Union and placed their demands before the Management. Aggrieved by the demands by the petitioners and others, the respondent refused to give work to the petitioner from 13-2-91. The petitioner had put in more than 4 years of continuous service. He was not charge sheeted and no enquiry was conducted. The provisions of the Industrial Disputes Act, particularly Sec. 25-F was not followed, so it is clearly proved from the evidence of WW1 and the documents marked, the denial of work to the petitioner by the respondent is not justified.

In the result, an award is passed directing the respondent to reinstate the petitioner in service with continuity of service and back wages. No costs.

Dated, this the 13th day of October, 1995

THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.W.1.—Thiru A. Jawaharlal.

For Management.—None.

DOCUMENTS MARKED

For workman :

W-1/ —Xerox copy of Photo pass issued to Thiru Jawahar Fdo.

W-2/ —Dispute raised by Thiru Jawaharlal before the Assistant Labour Commissioner (Central), Madras u/s. 2-A of the Industrial Disputes Act (Xerox copy).

W-3/ —Counter filed by the Management before the Labour Enforcement Officer (Central) Madras (Xerox copy).

W-4/3-6-92.—Letter from Harbour Master, Tuticorin Port Trust, Marine Department, to the Traffic Department (TPT), regarding termination of boat workers (Xerox copy).

W-5/21-2-91.—Letter from the General Secretary, Boat workers' Union, Tuticorin to the District Collector, Tuticorin. (Xerox copy).

For Management.—Nil.

नई दिल्ली, 5 दिसम्बर, 1995

का. आ. 3411.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार करन्ट वक्साय बैंक लि. के प्रबंधन के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट

को प्रकाशित करती है, जो केन्द्रीय सरकारको 4/12/95 को प्राप्त हुआ था ।

[सं. एल-12012/102/86-डी-IV (ए)/आईआर (बीआई)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 5th December, 1995

S.O. 3411.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Karur Vysya Bank Ltd. and their workmen, which was received by the Central Government on 4-12-95.

[No. L-12012/102/86-D.IV (A)/IR (B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Friday, the 13th day of October, 1995

PRESENT :

Thiru N. Subramanian, B.A.B.L., Industrial Tribunal
Industrial Dispute No. 10/1988

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Karur Vysya Bank Ltd., Karur).

BETWEEN :

The Workman represented by,
The General Secretary,
Karur Vysya Bank Employees' Union,
Avenue Road,
Bangalore-560 002.

AND

The General Manager,
Karur Vysya Bank Ltd.,
Karur.

REFERENCE :

Order No. L-12012/102 86-D.IV(A), dated 14-8-87,
Ministry of Labour, Govt. of India, New Delhi.

This dispute after restoration, coming on for final hearing on Thursday, the 28th day of September, 1995, upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Tvl. K. Chandru and D. Bharathy, Advocates appearing for the Workman, and of Tvl. T. S. Gopalan, P. Ibrahim Kalifulla and S. Ravindran, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This reference has been made for adjudication of the following issue :—

"Whether the action of the Management of Karur Vysya Bank Ltd., in relation to their Gudalur branch in dismissing Shri P. Manoharan. from service w.e.f. 9-7-86 is justified ? If not, to what relief the workman concerned is entitled ?"

2. The case of the petitioner is as follows.—The Union is a registered union. The concerned workman in the above

case is a member of the Union and he has authorised union to espouse his cause. The concerned workman was working as a clerk in the respondent-bank. He has worked for 20 years honestly, faithfully to the satisfaction of his officials. The concerned workman was issued with two charge sheets alleging certain false charges and two separate enquiries were held. On the findings of the Enquiry Officer, the workman was dismissed w.e.f. 9-7-86. The first charge sheet was issued on 10-10-84. One P. Sundaresan, Chief Officer, Central Office, Karur was appointed as the Enquiry Officer. He conducted the enquiry and gave a finding against the workman. Mr. N. Sankaran, Superintendent, Credit dispensation department, was the enquiry officer for the second charge sheet dated 5-2-85. On both the findings, the Enquiry Officer themselves passed the order of dismissal dated 9-7-86. The charge sheet is vague, ambiguous, unintelligible. It contains mere narration of facts, but does not disclose on what provision of Bipartite Settlement the alleged acts are misconducts. Hence the charge sheet is defective. The Enquiry conducted by Mr. Sundaresan regarding the charge sheet No. 1 is empty formality. The workman was not given full opportunity to defend himself in the enquiry. The enquiry officer refused to take cognizance of the preliminary objections raised by the workman. The Enquiry Officer allowed certain witness though they are not material witnesses. The Enquiry Officer did not permit the workman to ask several questions to the Management witness. The findings of the Enquiry Officer are perverse and they are not based on any legal evidence. With regard to the second charge sheet, it is also vague, ambiguous, and lacks material particulars. The Enquiry Officer was biased and with a view to help the management, he had conducted the enquiry against the principles of natural justice. The Enquiry Officer has no power or authority to investigate into the charges. After the enquiry the Enquiry Officer has submitted his perverse findings. Based in the findings of the Enquiry Officer, he himself proposed the punishment of dismissal and later passed the order of dismissal dated 9-7-86. The Enquiry Officer has not taken into consideration the past records of the workman. As per Rules, and procedures the authority to sanction the loan rests with the Central Officer, and powers to disburse the loan rests with the Manager. The workman is in no way connected with the sanction of the loan. Hence the charges are without any basis. The action of the respondent-Management in dismissing the workman is victimisation and unfair labour practice. During the pendency of the Conciliation proceedings, the Management dismissed the workman without the leave of the Conciliation Officer. Hence the dispute has been raised.

2. This respondent-Management filed its counter contending that the workman was employed as a Clerk in the Gudalur branch. The dispute was conciliated by the Asst. Labour Commissioner (Madras). The respondent-bank used to advance crop-loans and jewel loans. It came to the knowledge of the Management that the workman has fabricated and forged the signature of the parties in the crop-loan account of one Gomathi Ammal dated 10-6-83 and one Rajendran dated 12-6-82 and misappropriated the amount for himself. On perusal of the documents pertaining to the loan accounts sanctioned, for Gomathi Ammal that the signature of the applicant was not of her signature, and the loan was not availed by her. In the case of Rajendran, no one in the name of Rajendran, was residing in the address given in the application. The concerned workman had made a false representation to R. Rangasamy to obtain his signature as guarantor. He also fabricated documents such as kist receipts and fertiliser bills and supplied the same to his co-clerk to enable him to avail crop loans in the name

of Mathavan and S. Murugesan. For the above said acts of misconduct, a show cause notice dated 10-10-84 was issued. The Enquiry Officer was appointed. The concerned workman did not submit his explanation, to the charge sheet. The Enquiry Officer gave his findings on 16-5-86. Thereafter the workman was asked to appear for personal hearing. After considering his representation, disciplinary authority awarded the punishment of dismissal on 9-7-86. The concerned workman was having a Savings Bank Account 733 in his name. As on 31-1-83, his account had a credit balance of Rs. 4,002.14. On 31-1-83, concerned workman caused an entry to be made in his account, in the Savings Bank Ledger to make it appear that the amount of Rs. 3,000 was deposited. After making the said entry, on the following day the concerned workman drew a sum of Rs. 7,000. Relevant credit voucher was not available in the branch. Neither did he credit entry find a place in the cash scroll, transfer scroll, Savings Bank Account, subsidiary day book. On 5-2-85, the concerned workman was issued another charge sheet. Domestic enquiry was conducted and the concerned workman participated. The Enquiry Officer gave his findings on 23-5-86, holding that the charges against the concerned employee were proved and proposing the punishment of dismissal. A copy of the findings were forwarded to the concerned workman. He was asked to appear for personal hearing. On 29-5-86 Second show cause notice was issued. The employee attended the personal hearing. After considering his representation the disciplinary authority passed the punishment of dismissal on 9-7-86. All other allegations made in the claim statement are denied as false. At no time, the concerned workman complained that the charge sheet was vague, ambiguous or unintelligible. The domestic enquiry was conducted in accordance with the Provisions of the Bipartite Settlement and in conformity with principles of natural justice. The objections raised by the workman are adequately dealt with by the Enquiry Officer. The findings of the Enquiry Officer are supported by adequate evidence. Having regard to the gravity of the charges, proved against the workman, the punishment of dismissal was imposed. There is no mitigating or extenuating circumstances to take a lenient view. It is denied that the dismissal of the concerned workman is an act of victimisation and unfair labour practice. If for any reasons, this Hon'ble Tribunal should come to the conclusion that any of the enquiries is vindictive then the Management may be given an opportunity to lead evidence on merits. There is no violation of Sec. 33 of the Industrial Disputes Act. Hence the petitioner may be dismissed with costs.

4. By consent, Exs. M.1 to M.54 were marked. The arguments of the learned counsel for the petitioner and the respondent were heard.

5. The petitioner's counsel raised a preliminary point contending that the domestic enquiry conducted by the respondent was not fair and proper, and this Tribunal has given a finding on the preliminary issue that the domestic enquiry conducted by the respondent is fair and proper. Therefore, the question regarding the procedure of the domestic enquiry will not arise for consideration.

6. Now the point for consideration is :—

"Whether the action of the Management of Karur Vysya Bank Ltd., in relation to their Gudalur branch in dismissing Shri P. Manoharan, from service w.e.f. 9-7-86 is justified? If not, to what relief the workman concerned is entitled to?"

7. The point.—The petitioner-workman was employed as a Clerk in the respondent bank in Gudalur branch in 1986. When the petitioner-workman was working in the respondent bank, according to the Management, he forged the signature of one Gomathy Ammal in the Crop loan application and also in the connected records and further he prepared fictitious kist receipts, Fertiliser purchase bills, in the name of one fictitious person by name Rajendran for granting crop loan and obtained the guarantor signature from one Rangaswamy.

8. Again while the petitioner was working in the branch on 31-1-83, he made a false credit entry of Rs. 3,000 in his Savings Bank A/c. No. 773, by his own handwriting and withdrew a sum of Rs. 7,000 on the next day without actually remitting any amount. Therefore, the Manage-

ment issued a Show Cause Notice Ex. M.26 in respect of the first incident and another charge sheet Ex. M.21 regarding 2nd alleged misconduct. After following all the formalities, domestic enquiry was conducted. Ex. M.27 is the Enquiry proceedings and M-28 is the findings of the Enquiry Officer, in respect of first charge. Ex. M.33 is the enquiry proceedings in respect of the alleged second charge and Ex. M.47 is the findings of the Enquiry Officer. The Disciplinary authority after considering all the relevant records, dismissed the petitioner-workman under Ex. M.54 based on the final orders given by the Enquiry Officers Ex. M.52 and M.53 respectively.

9. Regarding Charge No. 1, it is alleged that the signature of one Gomathy Ammal was forged by the Petitioner-workman in the Crop loan application and availed the loan for himself. In the same manner, he also fabricated documents in the name of one fictitious person by name Rajendran and obtained the guarantor's signature from one Rangaswamy, and availed loan for himself. Admittedly, as conceded by the respondent's counsel the primary witnesses to prove the charge were not examined in the enquiry. The said Gomathy Ammal was not examined in the domestic enquiry. She was the only competent person to say whether the signature found in the loan application is her signature or not. She was not examined. MW1 examined in the enquiry viz., Srinivasan the Branch Manager gave a report Ex. M.21 on 26-7-84. In the said report, it is not alleged that the petitioner-workman forged the signature of the said Gomathy Ammal and misappropriated the loan amount for himself. Ex. M.18 is the statement alleged to have been obtained from the said Gomathy Ammal. In the said alleged statement she has stated that she received a notice from the respondent-bank, alleging that she has not repaid the loan. Immediately, she sent one Ramu to the respondent-bank branch and informed that she has not received any crop loan. It is further stated when Ramu went to the Bank, the petitioner-workman told to Ramu that he received the loan amount for himself in the name of the said Gomathy Ammal and he will repay the amount within 10 days. As per this Statement the said Ramu is the competent person to say that the petitioner-workman informed him that he availed loan in his name of Gomathy Ammal. He was also not examined, in the enquiry. But subsequently, this amount has been repaid. But the challan for the repayment of this amount was signed by somebody and not the said Gomathy Ammal. The only evidence the Enquiry Officer relies upon is that of MW1, has stated in his evidence he compared the hand writing of the petitioner-workman and the alleged signature of Gomathy Ammal in the loan application and the signature of Gomathy Ammal ought to have been put by the petitioner-workman. MW1 is not an handwriting expert. Merely by seeing the handwriting and alleged signature, one cannot say that it was written by one and the same person. Therefore, to prove the charge that the petitioner-workman forged the signature of the said Gomathy Ammal in the Crop loan application, there is no acceptable evidence.

10. Regarding the other charge that he created false documents like Kist receipt, Fertiliser bills for the purpose of granting Crop loan to one Rajendran, the alleged guarantor Rangaswamy was examined as MW2. It is the case of the Management, the petitioner-workman in connivance with MW2 Rangaswamy, created false documents and bills for the purchase of fertiliser. But MW2 has deposed that bills shown to him are not bills of his Office. The bills were not issued from his shop or by himself. The Management relies on a statement made by the said Rangaswamy, Ex. M-19. In the statement he has stated, the petitioner-workman obtained his signature in some papers promising that he will grant loan for him. Further, he says that he does not know anybody by name Rajendran. On his evidence, he says that the statement was given at the request of the Management, staff. It is the case of the Management that there is no such person by name Rajendran in the given address. It is only fictitious name. MW1 has stated in his evidence the notice sent to said Rajendran was returned with a postal endorsement "as not found" but not with an endorsement "No such addressee". He also stated that inspite of his several attempts he could not trace the said Rajendran. On the other hand Rangaswamy, MW2, denied in the Chief examination itself, that the bill dated 23-4-83 which was marked as Ex. D-1, and the Cash bill dated 27-3-83 were not issued by his firm and the goods mentioned in the bill were not sold under those bills. The guarantor Rangaswamy was also examined in the enquiry as a

defence witness No. 1. He has admitted in his evidence he stood as a guarantor to one Rajendran of Gudalur. He further says he is in the estate. He further says he received a Court notice for the non-payment of loan by the said Rajendran. So, he proceeded to the estate and located the borrower and after collecting money from him, paid the amount to the bank. He further stated since he was threatened of Court action, he gave a statement to the Manager. In the cross-examination of the defence witness, by the Management nothing was brought out to discredit his evidence. So, the charge that the petitioner-workman fabricated false documents and availed loan in the name of one fictitious person by name Rajendran is not true. So for the findings of the Enquiry Officer Ex. M-28, there is no legal and substantial evidence.

11. Regarding the Charge No. 2, a domestic enquiry was conducted after the issue of charge sheet Ex. M-31. It is admitted that the Petitioner-worker has got S.B.A./C. No. 773 in the branch. According to the Management, he caused a false entry of credit for an amount of Rs. 3,000 in his savings bank account on 31-1-83 and withdrew a sum of Rs. 7,000/- on 1-2-83 without making any cash remittance. Ex. M-33 is the enquiry proceedings, regarding the second charge. In the Enquiry proceedings, Manager Mr. Srinivasan was examined as MW1. At the time of the alleged incident, one K. K. Ramaswamy was the Branch Manager. According to the Management, K. K. Ramaswamy was on privilege leave from 17-1-83 to 31-1-83. Ex. M-34 is the copy of the ledger folio regarding the Savings Bank A/c. No. 773 relating to the petitioner-workman. It is seen from Ex. M-34 on 31-1-83, a sum of Rs. 3,000/- alleged to have been deposited in this account. It is also seen on the same date, a sum of Rs. 150/- was withdrawn from the said account. For the remittance of Rs. 3,000/- in the account, the petitioner has initialled in the column. This entry has been authenticated by the then Branch Manager K. K. Ramaswamy. But here is no corresponding entry for the remittance either in the Scroll for remittance Ex. M-35 or Cash transfer scroll Ex. M-36. On the other hand it is seen from Ex. M-35 a sum of Rs. 150/- has been debited as withdrawn from the Savings Bank A/c. 773. Ex. M-38 is the withdrawal slip given by the petitioner-worker for withdrawal of Rs. 7,000 on 1-2-1983. Ex. M-38 is the Cash transfer scroll referring to 1-2-83. Therefore, it is seen from the Savings Bank Account 773 that a sum of Rs. 7,000/- has been withdrawn. Ex. M-40 is also cash transfer scroll for 1-2-83. There also it is seen from the Savings Bank A/c. No. 773 a sum of Rs. 7,000/- has been withdrawn. Ex. M-41 is the Savings Account subsidiary day book relating to 31-1-83. On 31-1-83 no amount has been credited in this account. But a withdrawal of Rs. 150/- has been noted. Ex. M-42 is the Savings Bank Subsidiary day book for 1-2-83. It is seen from Ex. M-42 a sum of Rs. 7,000 has been withdrawn from the Savings Bank Account No. 773. The fact that petitioner withdrew Rs. 7,000 from his account on 1-2-83 is not denied by him. Subsequently he has repaid the amount. It is argued by the petitioner's counsel that the credit entry for a sum of Rs. 3,000/- in the Savings Bank Account of the petitioner has been authenticated by the Manager. Unless there is cash remittance, without verifying the records, the Manager would not have authenticated the entry. Since the remittance is authenticated by the Manager it is not false entry. Admittedly, the then Manager K. K. Ramaswamy was on Privilege leave from 17-1-83 to 31-1-83. Ex. M-43 is the copy of the attendance register for the month of January 1983. It is true on 31-1-83 the said Manager K. K. Ramaswamy came to the Office and received the keys from the incharge Manager. It is also true that he has received the salary. According to MW-1 the said Manager K. K. Ramaswamy came to the Office at about 5.45 p.m. on that day and received the keys. Even taking for argument sake that K. K. Ramaswamy came to office on 31-1-83, he is not the authority to authenticate the entry in the register when he was actually on leave. It is not denied that the Enquiry proceedings are pending against the said Manager and he is now placed under suspension. If really, the petitioner was remitted a sum of Rs. 3,000/- either by cash, or by cheque, or by draft, he ought to have been in possession of the counter foil for the payment of the amount. In the banking business, no amount can be deposited or withdrawn without any voucher or challan. It is not the case of the petitioner, he actually remitted a sum of Rs. 3,000/- on the particular date. Except merely saying that credit entry has been authenticated by the Manager, no other evidence

was produced by the petitioner. When once the prima facie case is proved against the petitioner, the burden shifts to the petitioner to prove his case. Regarding Charge No. 2, documentary evidence undoubtedly proves the charge against the petitioner. Therefore, the findings of the Enquiry Officer in Ex. M-53 is based on legal and proper and substantial evidence.

12. It is argued by the petitioner's counsel, the punishment of dismissal imposed is disproportionate and severe. This argument of the petitioner's counsel cannot be accepted. Bank is doing business on the Public money. If the bank employee himself makes an entry of remittance in his account and withdraw money for his own purpose, it will amount to a grave misconduct and it cannot be tolerated. If an employee has made a wrong entry by mistake in some other's account, it can be excused, but when he want only, intentionally makes a false entry of remittance in his own account and withdraw the money, it warrants the severe punishment and such person cannot be allowed to continue in the bank. Therefore, the punishment imposed is proper in the circumstances of the case.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 13th day of October, 1995.

THIRU N. SUBRAMANIAN, Industrial Tribunal.

WITNESSES EXAMINED

For Both sides : None.

DOCUMENTS MARKED

For Workman : Nil.

For Management :

- Ex. M-1/7-6-83 : Crop Loan Application (Xerox copy).
- Ex. M-2/10-6-83 : Agreement for Hypothecation of Crops (Xerox copy).
- Ex. M-3/10-6-83 : Guarantee letter from Thiru S. Mahesan to the Management (Xerox copy).
- Ex. M-4/10-6-83 : Receipt from Smt. R. Gomathiammal for a sum of Rs. 5,000/- (Xerox copy).
- Ex. M-5/10-6-83 : Declaration given by Smt. R. Gomathiammal (Xerox copy).
- Ex. M-6/10-6-83 : Bill of S. P. Ramanathan & Bros (Xerox copy).
- Ex. M-7/18-3-82 : Receipt issued by the Board of Revenue (Xerox copy).
- Ex. M-8/10-6-83 : Debit voucher for a sum of Rs. 5,000/- (Xerox copy).
- Ex. M-9/10-6-83 : Form 'B' Certificate of Registration (Xerox copy).
- Ex. M-10/10-6-83 : Receipt issued by the Board of Revenue (Xerox copy).
- Ex. M-11/13-4-82 : Cash Bill from A.T.C. Corporation (Xerox copy).
- Ex. M-12/18-6-82 : Loan application by Thiru R. Rajendran (Xerox copy).
- Ex. M-13/22-6-82 : Receipt issued by Thiru R. Rajendran for a sum of Rs. 5,000/- (Xerox copy).
- Ex. M-14/22-6-82 : Xerox copies of the documents relating to the loan sanctioned to Thiru R. Rajendran.
- Ex. M-15/22-6-82 : Xerox copies of the documents relating to the loan sanctioned to Thiru R. Rajendran.
- Ex. M-16/21-7-84 : Notice from Management to Thiru S. Madhavan (Xerox copy).
- Ex. M-17/11-8-84 : Reply by Thiru S. Madhavan (Xerox copy).
- Ex. M-18/7-8-84 : Letter from Smt. R. Gomathiammal to the Management (Xerox copy).
- Ex. M-19/9-8-94 : Letter from Thiru R. Rangaswamy to the Management.
- Ex. M-20/10-8-84 : Letter from Thiru P. Manohar to the Management-bank (Xerox copy).

- Ex. M-21/27-7-84 : Letter from Thiru N. Srinivasan, Manager to the Chairman of the Management Bank (Xerox copy).
- Ex. M-22/10-9-84 : Letter from Tamil Nadu Agro Service Centre to the Management Bank (Xerox copy).
- Ex. M-23/27-3-83 : Cash Bill in the name of TN Agro Service Centre (Xerox copy).
- Ex. M-24/13-8-84 : Statement of the Investigating Officer (Xerox copy).
- Ex. M-25/12-9-84 : Notice from the Management-Bank to Thiru P. Raja regarding non-payment of Crop loan (Xerox copy).
- Ex. M-26/10-10-84 : Charge sheet issued to Thiru P. Manoharan (Xerox copy).
- Ex. M-27/10-10-84 : Proceedings of the Enquiry Officer (Xerox copy).
- Ex. M-28/16-5-86 : Findings of the Enquiry Officer (Xerox copy).
- Ex. M-29/16-5-86 : Letter to Thiru P. Manoharan regarding Personal hearing (Xerox copy).
- Ex. M-30/16-5-86 : Proceedings regarding Personal hearing (Xerox copy).
- Ex. M-31/5-2-85 : Charge sheet issued to Thiru P. Manoharan (Xerox copy).
- Ex. M-32/5-2-85 : Acknowledgement by Thiru P. Manoharan (Xerox copy).
- Ex. M-33/5-2-85 : Proceedings of the Enquiry Officer (Xerox copy).
- Ex. M-34/5-2-85 : Xerox copy of S. B. Ac. No. 773 of Thiru P. Manoharan.
- Ex. M-35/31-1-83 : Cash scroll dated 31-1-83 (Xerox copy).
- Ex. M-36/31-1-83 : Cash scroll dated 31-1-83 (Xerox copy).
- Ex. M-37/31-1-83 : Transfer scroll (Xerox copy).
- Ex. M-38/1-2-83 : Xerox copy of withdrawal slip of Rs. 7,000/-.
- Ex. M-39/1-12-83 : Xerox copy of Cash scroll.
- Ex. M-40/1-2-83 : Xerox copy of Cash scroll.
- Ex. M-41/31-1-83 : Xerox copy of S. B. Subsidiary day book.
- Ex. M-42/1-2-83 : Xerox copy of S. B. Subsidiary day book.
- Ex. M-43/1-2-83 : Xerox copy of attendance register for January 1983.
- Ex. M-44/14-11-84 : Letter from Manager, Gudalur branch of Management bank to the Assistant General Manager of Management-bank (Xerox copy).
- Ex. M-45/16-3-85 : Xerox copy of remittance challan for Rs. 3,000/-.
- Ex. M-46/16-3-85 : Xerox copy of S.B.A A/c. No. 773 from 1-2-85 to 19-3-85.
- Ex. M-47/23-5-86 : Findings of the Enquiry Officer (Xerox copy).
- Ex. M-48/23-5-86 : Letter from the Enquiry Officer to Thiru P. Manoharan (Xerox copy).
- Ex. M-49/16-6-86 : Submissions of Thiru P. Manoharan before the Enquiry Officer (Xerox copy).
- Ex. M-50/16-6-86 : Submissions of Presenting Officer (Xerox copy).
- Ex. M-51/16-6-86 : Proceedings regarding personal hearing (Xerox copy).
- Ex. M-52/9-7-86 : Dismissal order issued to Thiru P. Manoharan (Xerox copy).
- Ex. M-53/9-7-86 : Order of punishment issued to Thiru P. Manoharan (Xerox copy).
- Ex. M-54/12-7-86 : Dismissal order (Xerox copy).

नई दिल्ली, 6 दिसम्बर, 1995

का. आ. 3412.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्थ ईस्टर्न रेलवे के प्रबंधन के संबंध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[संख्या एल-41011/30/89-डी-2 बी/आई आर बी आई]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 6th December, 1995

S.O. 3412.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of North Eastern Railway, and their workmen, which was received by the Central Government on 5-12-1995.

[No. L-41011/30/89-D-2(B)] [IRBI]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 184 of 1990

In the matter of dispute between

General Secretary
Purvottar Railway Shramik Sangh
6 Navin Market Kainsarbagh
Lucknow.

AND

Divisional Rly. Manager
North Eastern Rly.
Ashok Marg, Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-41011/30/89-D-2(B) dt. 21-2-1990 has referred the following dispute for adjudication to this Tribunal—

"Whether the Divisional Railway Manager North Eastern Railway Lucknow was justified in terminating the services of Sri Moni Ram and six others? If not, what relief the workmen was entitled to?"

2. This reference relates to illegal termination of services of six workmen, namely, (1) Mani Ram, (2) Narendra Bahadur, (3) Prahlad, (4) Gaurishanker, (5) Jilani Ahmad and (6) Bhagwati Prasad.

3. It is alleged in the claim statement that Mani Ram had worked for 336 days from 16-11-68 to 15-8-87, Narendra Bahadur has worked from 28-1-89 to 15-6-73 for 656 days, Prahlad has worked from 23-5-87 for 522 days, Gauri Shanker has worked from 123 days Jilani Ahmad has worked from 11-3-1971 to 15-3-81 for 505 days and lastly Bhagwati Prasad has worked from 16-12-72 to 15-10-85 for 362 days. Junior to these workmen were retained in service. Hence their termination is illegal because of breach of section 25G of I.D. Act.

4. Opposite party has filed written statement in which claim of the applicant have been denied.

5. In support of their case the concerned workmen has filed the affidavit of Bhagwati Prasad. Thereafter four opportu-

nities were afforded to the workmen for cross examination but in vain. Ultimately by order dt. 24-7-95 the workmen were debarred from giving evidence. The management also did not give any evidence.

6. Since the workmen have not submitted their witness for cross examination, the evidence of Maniram cannot be read in evidence. In this way no evidence on behalf of workmen remains to prove their case.

7. In this way the concerned have failed to establish their case. As such my award is that the action of D.R.M. Northern Eastern Rly. Lucknow in terminating services of six concerned workmen is justified. As such they are not entitled to any relief.

8. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1995

का. आ. 3413.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-95 को प्राप्त हुआ था।

[एल-22012/261/93-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3413.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd and their workmen, which was received by the Central Government on the 4-12-1995.

[No. L-22012/261/93-IR C.II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 14th day of Sep'tember, 1995

INDUSTRIAL DISPUTE No. 43 OF 1993.

BETWEEN

The Senior Vice President,
Mining Technical Staff Association,
Bellampalli Region,

H. No. C-21 Opp. Police Control Room,
Kalyani Khani, Pin-504203.

PETITIONER,

AND

The Chief General Manager,
Singareni Collieries Company Limited,
Bellampalli Area,
District Adilabad, A.P.

.. RESPONDENT.

APPEARANCES :

Sri G. Vidyanagar, G. Ravi Mohan & Others, Advocates
for Petitioner.

S/Sri K. Srinivasa Murthy, G. Sudha, Advocates for the
Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/261/93-IR(C.II), dt. 12-11-1993 under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 for adjudication of the dispute annexed in the schedule which reads as follows :

"Whether the action of the management of M/s. S.C.C. Ltd., Bellampalli, in not rectifying the anomaly in promotion of Sri V. Parvathalu, Overman, MVTC, Bellampalli, by preponing the date of promotion to the date he has been authorised to perform statutory duties on par with S/Sri G. Rajaiah, Overman, Goleti I Incline and Sd. Liqueath Ali, Mining Sirdar, MVK, 6 Incline is legal and justified? If not, to what relief the workman is entitled to?"

The said reference has been registered an Industrial Dispute No. 43 of 1993 on the file of this Tribunal. After service of notices, the Petitioner and the Respondent-Management are being represented by their counsel.

2. On behalf of the Petitioner-Union, a Claim statement has been filed to the following effect. The Petitioner-Union which is Mining Technical Staff Association, Bellampalli Region, Kalyani Khani, Adilabad District is a registered Trade Union Act and majority of the Mining Technical Staff working in Singareni Collieries Company Limited including Vemula Parvathalu, Overman are members of the Petitioner Union. Vemula Parvathalu approached the Petitioner Union for redressal of his grievance and the Union by its application dated 29-12-1992 raised the industrial dispute and the conciliation proceedings ended in failure on 15-4-1992 and the Conciliation Officer has sent his failure report and ultimately the Government of India was pleased to refer the industrial dispute for adjudication under this reference. Vemula Parvathalu concerned workman was appointed in Singareni Collieries Company as general mazdoor on 14-5-1973. He passed the statutory examination under Coal Mines Regulations in February, 1976. There upon he was authorised to work as Shot Firer from 18-3-1977. Ever since he has been continuously acting as Shot-Firer. He was regularly promoted as Shot Firer 'D' Grade w.e.f. 1-7-1977. He also passed the statutory test for the post of Sirdar in May, 1977 and he was authorised to work in the higher capacity as Mining Sirdar w.e.f. 17-7-1977. He was placed in Grade 'C' w.e.f. 1-10-1978. Similarly situated workman who was continuously acting in higher category had raised an industrial dispute in I. D. No. 7 of 1982 for confirmation of their posts from the date of authorisation to act in the higher category. In that I. D. No. 7/82 the employees have been confirmed in the post of Short-Firer/Sirdar from the dates on which they were given authorisation to work in the higher category. The workmen Godugu Rajaiah, Syed Liakat Ali were confirmed in their posts from the date of first authorisation for the purpose of seniority and increments. In pursuance of the orders in I. D. No. 7/82 the workman Vamula Parvathalu also stand on a similar footing. Therefore he is also entitled for confirmation in the post of Shot-Firer/Sirdar from the date from which he was first authorised to officiate in the said categories for the purpose of seniority and increments and other attendant monetary benefits. Therefore, the Petitioner-Union prays to rectify the anomaly in promotion of Parvathalu, Overman by preponing the promotion to the date he has been authorised to perform statutory duties and consequently pass an Award directing the Respondent-Management to confirm V. Parvathalu, Overman in the post of Shot-Firer w.e.f. 18-3-1977 and as Sirdar in Grade 'C' w.e.f. 17-7-1977 for the purpose of seniority, increments and other monetary benefits.

3. The Respondent-Management is disputing the claim of the petitioner Union and filed a counter to the following effect. Prior to this reference, the Management and the Union had entered into a settlement under Section 12(3) of the I. D. Act on 28-9-1978 and it is binding on all the employees. The workman under this reference, got the benefits under this Settlement and he was given two increments as provided in the Memorandum of Settlement. Hence it is not open to the workman to claim the benefit on the basis of this reference. The subject matter of the reference relates to 1977 and the claim has been made by the workman from 1993 i.e. after 16 years of alleged denial of rectification of the so called anomaly. The claim of the petitioner is highly belated and the reference has to be rejected on this ground. The dispute under this reference

is only an individual dispute but not an industrial dispute and there is no question of general importance involved in this dispute. Hence the reference has to be rejected. The Petitioner Union also did not make the affected parties as parties to this dispute. It is true that majority of the Mining Technical Staff working in the Singareni Collieries Company Limited are members of the Mining Technical Staff Association. It is not known whether the workman V. Parvathalu Overman is member of the said Association. It is true that V. Parvathalu was appointed as general mazdoor on 14-5-1973 and he passed Shot Firer examination on 22-2-1976, that he was authorised to work as Shot-firer at Boipalli of Bellampalli as and when required w.e.f. 18-3-1977. It is not a fact that the Petitioner workman had worked continuously as Shot-firer but he worked as acting Shot-firer now and then against the leave, sick, absenteeism vacancies only. Mere authorisation does not confer any right for promotion as Shot-Firer from the date of authorisation. Promotion will be given against the clear vacancy. It is a fact that V. Parvathalu was promoted as Shot-firer Grade 'D' w.e.f. 1-7-1977. It is also a fact that he passed Sirdar examination on 1-5-1977 and he was authorised to work as Sirdar w.e.f. 17-7-1977 and worked in absentee vacancy but not continuously. It is also a fact that he was promoted to 'C' Grade w.e.f. 1-10-1978. It is a fact that an exparte Award was passed in I. D. No. 7/82. The workman V. Parvathalu was not a party to I. D. No. 7/82. Hence he is not entitled to the relief which was granted to the parties in I. D. No. 7/82. There is no anomaly in the promotion of V. Parvathalu as he was covered under the Settlement dated 28-9-1978. He is not entitled for promotion as Shot-Firer w.e.f. 18-3-1977 and Sirdar w.e.f. 17-7-1977. Hence the reference is liable to be rejected and the workman V. Parvathalu is not entitled for any relief under this reference.

4. On behalf of the Petitioner-Union, W.W-1 is examined and Exs. W-1 to W-7 are marked. The workman V. Parvathalu is examined as W.W-1 and he deposed to the averments in the claim statement. On behalf of the Respondent-Management M.W-1 is examined and Exs. M-1 to M-4 are marked. Shri C.Gopal Rao, Senior Personnel Officer working in the Respondent-Company is examined as M.W-1 and he deposed to the averments in the counter. The details of the documents Exs. W-1 to W-7 and M-1 to M-4 are appended to this Award.

5. The points that arise for consideration are :

1. Whether the workman V. Parvathalu working as Overman is entitled for preponing the date of his promotion to the post of Shot-Firer w.e.f. 18th March, 1977 and to the post of Sirdar in Grade 'C' w.e.f. 17th July, 1977 the dates on which he was been authorised to perform those duties ?

2. To what relief the workman V. Parvathalu is entitled in this reference ?

6. POINT (1).— The admitted facts as revealed from the evidence on record are as follows :—

The Workman V. Parvathalu was originally appointed in the Respondent-Company as general mazdoor on 14th May, 1973. He passed the Shot-Firer examination on 22nd February, 1976 and he was authorised to work as Shot-Firer at Boipalli in Bellampally Division w.e.f. 18th March, 1977. He was regularly promoted as Short Firer Grade 'D' w.e.f. 1st July, 1977. He was also paid acting allowance while he worked as acting Shot-Firer. The workman V. Parvathalu also passed Sirdar examination on 1st May, 1977 and he was authorised to work as Mining Sirdar w.e.f. 17th July, 1977. He was regularly promoted to the post of Mining Sirdar Grade 'C' w.e.f. 1st October, 1978. It is also admitted that he was paid acting allowance while he acted as Mining Sirdar. Ex. W1 is the original Pass Certificate issued to the effect that the workman V. Parvathalu passed the examination for the post of Sirdar held on 1st May, 1977. Ex. W2 is the order dated 11th/13th March, 1979 placing the workman V. Parvathalu in the post of Mining Sirdar Grade 'C' w.e.f. 1st October, 1978. Ex. W3 is the order of the Colliery Manager authorising the workman V. Parvathalu to act as Mining Sirdar w.e.f. 17th July, 1977. The workman Parvathalu has been further promoted as Overman w.e.f. 14th February, 1990.

It is also admitted that Industrial dispute in I.D. No. 7 of 1982 was referred to this Tribunal with respect to some Mining Sirdar, Shot-firer and Overman to protect their seniority and increments, with effect from the dates of their authorisation as Mining Sirdar, Shot-firer and Overman and their claim was allowed by this Tribunal by passing an exparte-award. Ex. W4 is the xerox copy of the said Award passed in I.D. No. 7 of 1982. It is also admitted that the Respondent-Management implemented that Award. The workman Godugu Rajiah Sved Liaquat Ali and others were confirmed in their posts from the dates of their first authorisation for the purpose of seniority and increments. It is also admitted that workman V. Parvathalu was not a party to Industrial Dispute No. 7 of 1982.

It is also admitted that a Memorandum of Settlement dated 28th September, 1978 was entered into between the Petitioner-Union and the Management under Section 12(3) of the I.D. Act and Para 11 of the said Settlement, all Overman, Mining Sirdars and Shot Firers in services as on 31st December, 1977 will be given two extra increments in their pay w.e.f. 1st June, 1977 or from the date of the entry into that cadre after 1st June, 1977 whichever is later and that similarly Overman, Mining Sirdar and Shot Firer appointed between 1st January, 1978 and 15th August, 1978 will also be given one extra increment as a special case with effect from the date of their entry to that cadre. Ex. M2 is the xerox copy of the said Memorandum of Settlement dated 28th September, 1978. By virtue of the said Settlement under the original of Ex. M2, the Mining Staff including the workman V. Parvathalu who were on rolls on 31st December, 1977 were given two additional increments.

7. The learned counsel for the Petitioner submits that the workman V. Parvathalu passed the Shot-Firer test in February, 1976, that he was authorised to work as Shot-Firer w.e.f. 18th March, 1977, that he was made permanent as Shot-Firer in 'D' Grade w.e.f. 1st July, 1977, that he passed the test for Mining Sirdar in May, 1977 and he was authorised to work as Mining Sirdar w.e.f. 17th July, 1977 and he was placed as permanent Mining Sirdar Grade 'C' w.e.f. 1st October, 1978, that the workman V. Parvathalu is entitled for preponing the date of his promotion to the post of Shot-Firer w.e.f. 18th March, 1977 and as Mining Sirdar w.e.f. 17th July, 1977 from the dates he was authorised to perform those duties for the purpose of his seniority and consequential monetary benefits. The learned counsel for the Petitioner further contends that similarly placed Shot-Firer and Mining Sirdars got a reference in I.D. No. 7/82 made to this Tribunal for confirmation of their posts to the dates on which they have been authorised to perform their duties and they are granted relief by their Tribunal in I.D. No. 7/82 and that the Respondent-Management also confirmed their posts from the dates of their authorisation to work in those posts for the purpose of their seniority and consequential monetary benefits and that the workman V. Parvathalu is also entitled for the same relief in this reference.

The learned counsel for the Respondent-Management on the other hand submits that the workman under this reference V. Parvathalu was not a party to the proceedings in I.D. No. 7/82 and as such is not entitled for the relief given to the workmen in that reference. The learned counsel for the Respondent-Management further contends that the dispute under this reference is only an individual dispute and therefore this Tribunal has no jurisdiction to try such an individual dispute, and therefore the reference has to be rejected.

8. In the first instant I will take up the objection raised by the learned counsel for the Respondent-Management that this reference is not maintainable on the ground that the dispute under this reference is only an individual dispute of the workman V. Parvathalu and not an industrial dispute as defined under Section 2(K) of the I.D. Act. Section 2(K) of the I.D. Act reads as follows :—

"Industrial dispute means any dispute or difference between employers and employees or between employers and workmen, or between workmen and the workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, or any person."

It is true that under this definition, it is only a collective dispute that can constitute an industrial dispute. A collective

dispute, however, does not mean that all the workmen or majority or even of the establishment concern who sponsor and support the dispute. All that is necessary is that the dispute, in order to become industrial dispute, should have the support of substantial section of workmen concerned in the establishment. An individual dispute cannot, however, be said to be an industrial dispute unless the other workmen associate themselves with it. It is well settled that in order that an individual dispute may become industrial dispute, it has to be established that it has been taken up by the Union of employees or by an appropriate number of employees of the establishment. Vide *Bombay Union of Journalists v. The Hindu* [1961(2) LLJ, page 436], *P. Somasundaram vs. Labour Court* [1970(1) LLJ, page 558] (A.P.) and *P. Ratnam & Co. v. Industrial Tribunal* [1958(II) LLJ, page 290] (A.P.) Thus the dispute simpliciter between an employer and workman will constitute an industrial dispute if the cause is espoused by the Union of which he is a Member. In the instant case, it is no doubt true that the dispute under this reference relates to the promotion of the workman V. Parvathalu and as such it is his individual dispute. But the cause of the workman Parvathalu has been espoused by the Union of employees of which that workman is a member. As seen from Exs. W6 and W7 the Mining Technical Staff Association, Bellampalli representing the workman V. Parvathalu took up his cause and raised a dispute before the Assistant Labour Commissioner (Central), Mancherical-cum-Conciliation Officer and a conciliation meeting was held on 15th April, 1993 between the Respondent-Management and B. V. Satyanarayana, Senior Vice-President of the Mining Technical Staff Association, Bellampalli who is representing the workmen and that conciliation could not be effected in the said meeting and therefore the Conciliation Officer submitted his failure report under the original of Ex. W6. Based on that failure report, the Government of India, Ministry of Labour made this reference for settlement of the dispute as espoused by the Union. Therefore though the dispute is an individual dispute of the workman V. Parvathalu as it has been espoused by the Union of which the workman is a Member, the dispute becomes an industrial dispute and this Tribunal got jurisdiction to adjudicate the said dispute. Hence the objection raised by the counsel for the Respondent cannot be sustained.

9. It is true that the workman V. Parvathalu was authorised to work as Shot Firer w.e.f. 18th March, 1977 and he was made permanent as Shot Firer in 'D' Grade w.e.f. 1st July, 1977. It is also true that the workman V. Parvathalu was authorised to work as Mining Sirdar w.e.f. 17th July, 1977 and he was made permanent as Mining Sirdar Grade 'C' w.e.f. 1st October, 1978. The workman is claiming that he is entitled for preponing the date of his promotion to the post of Shot-Firer w.e.f. 18th March, 1977 and as Mining Sirdar w.e.f. 17th July, 1977 i.e. from the date on which he was authorised to perform those duties for the purpose of his seniority and consequent monetary benefits. It is well settled that if a person is authorised to work in higher capacity for short time, it does not mean that he gets a vested right for being promoted permanently to that post from that date of his first authorisation. A person in a lower category may be authorised to act in higher category due to some exigency and he gets difference of wages as acting allowance. It does not confer a right on such lower category person who claim for permanent appointment from the date of such authorisation. Promoting a person to a permanent post on higher category depends upon the availability of permanent vacancy and it also depends upon the seniority of the persons in the lower category. Therefore, the workman V. Parvathalu cannot claim as of right for promotion on permanent basis from the date on which he was placed in charge as shot-firer and as mining sirdar.

10. The workman is relying on the Award passed in I.D. No. 7/82 on the file of this Tribunal. Ex. W4 is the xerox copy of the Award passed in I.D. No. 7/82 by this Tribunal. As seen from this document some Shot-Firers and Mining Sirdars sought for confirmation to higher category from the dates from which they were continuously acting in those higher category for the purpose of increments and this Tribunal passed the Award in favour of those workmen conferring the promotion from the date of authorisation to work in higher category. It is also admitted that the said Award has been implemented by the Respondent-Management. Admittedly, it is an ex-parte Award. The Respondent-Management did not choose to adduce any evidence on its behalf

in I.D. No. 7 of 1982. V. Parvathalu the workman under this reference was not a party in I.D. No. 7/82. Therefore, the benefit granted to the workmen under that reference will not ensure to the workman herein or any other workmen who is not a party to those proceedings. Therefore on the strength of the Award in I.D. No. 7/82 the workman V. Parvathalu is not entitled for the relief as claimed in this reference.

11. It is in the evidence of M.W.1 that the workman V. Parvathalu never raised any dispute challenging the seniority list of the Mining Staff prepared by the Respondent-Management at any time and that the present dispute raised at a belated stage has become stale. Ex. M3 is the increment list of the Mining Staff for 1978 to be collected from 1st January, 1979. The workman V. Parvathalu had not challenged this seniority list. If really, the workman V. Parvathalu was affected by that increment list, he would not failed to challenge the same claiming seniority from the date of his first authorisation as Shot-Firer or as Mining Sirdar. Further there is also nothing on record to show that the workman V. Parvathalu was authorised to work continuously from 18th March, 1977 onwards till he was made permanent as Shot-Firer or as Mining Sirdar from 17th July, 1977 to 1st October, 1978 without any break. Admittedly, the subject matter of this reference relates to 1977 and the workman made his claim only in the year 1993 i.e. 16 years after the alleged denial of the confirmation in the permanent post from the date of his first authorisation. The claim of the Petitioner is highly belated and it has become stale. It is well settled that the Courts cannot interfere in the matters after passage of certain length of time and that the persons who do not approach the Court expeditiously for relief should not be allowed to approach the Court to put forward the stale claim and try to unsettle the settled matters, vide (1) *P. S. Sadasivaswamy v. State of Tamilnadu* [1976(1) SLR, page 53], (2) *Dohri Rohtas Light Railway Co. v. District Board, Bhojpur* [1992(2) SCC page 598] and (3) *K. V. T. Prasanna Kumar v. Rayalaseema Gramaena Bank Cuddapah* [1994(3) ALT page 621]. Therefore, the claim of the workman V. Paravathalu is highly belated and as such it has become stale and therefore his claim cannot be entertained.

12. In the light of my above discussion, I hold on Point (1) that the workman V. Paravathalu is not entitled for preponing the date of his promotion to the post of Shot-Firer w.e.f. 18th March, 1977 and to the post of Sirdar w.e.f. 17th July, 1977 as claimed by him. The point is thus decided in favour of the Respondent-Management and against the Petitioner-Union.

13. Point (2).—This point relates to the relief to be granted to the workman V. Parvathalu under this reference. In view of my finding on Point (1) the workman V. Parvathalu is not entitled for any relief under this reference.

14. In the result, an Award is passed stating that Vemula Parvathalu, Overman is not entitled for pre-poning the date of his promotion to the dates he has been authorised to perform the statutory duties on par with G. Rajaiiah, Overman and Syed Liyaqat Ali, Mining Sirdar and that the action of the Management in this regard is legal and justified and that the workman V. Parvathalu is not entitled for any relief under this reference. The parties are directed to bear their own costs.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 14th day of September, 1995.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for Petitioner :

W.W.1—Vemula Parvathalu.

Witnesses Examined for Respondent :

M.W.1—C. Gopal Rao.

Documents marked for the Petitioner :

E. W1—Certificate of passing Sirdar by W.W.1.

Ex. W2—Order posting as Mining Sirdar Grade 'C' to W.W.1.

- Ex. W3—Authorisation issued to W.W1 to work as Mining Sirdar w.e.f. 17th July, 1977.
 Ex. W4—Award (Xerox copy) of I.D. No. 7/82.
 Ex. W5—Representation to Assistant Labour Commissioner.
 Ex. W6—Xerox copy of conciliation failure report.
 Ex. W7—Xerox copy of Management view before Asst. Labour Commissioner.

Documents marked for the Respondent :

- Ex. M1—Extract of Coal Mines Regulations (Xerox copy).
 Ex. M2/28-9-78—Settlement (Xerox copy).
 Ex. M3—Increment list for the Mining Staff w.e.f. 1st May, 1979.
 Ex. M4 24-3-93—Circular regarding instructing to submit the authorisation letter of Mining Technical Staff who were promoted on or after 1st January, 1987.

नई दिल्ली, 7 दिसम्बर, 1995

का. आ. 3414.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-95 को प्राप्त हुआ था।

[स. एल.-19012/30/86-डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3414.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workmen, which was received by the Central Government on the 4-12-95.

[No. L-19012/30/96 D. IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 65 of 1986

PARTIES :

Employers in relation to the management of Jaykayanagar Colliery of M/s. Eastern Coalfields Limited.

AND

Their Workmen,

3021 G1/95 19

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCES :

On behalf of Management.—Mr. P. Banerjee, Advocate.

On behalf of Workmen.—None.

STATE : West Bengal. INDUSTRY : Coal.

AWARD

By Order No. L-19012(30)/86-D. IV(B) dated 3rd October, 1986, the Central Government in exercise of its power under section 10(1)(d) and sub-section (2A) thereof referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Jaykaynagar Colliery of M/s. E. C. Ltd., Kaykaynagar (Burdwan) in referring Sh. Bindeswari Singh, Pump Khalasi to the Age Determination Committee particularly when there was no interpolation in the Form B Register and subsequently, superannuating him with effect from 1-8-84 was justified? If not, to what relief the workman concerned is entitled?”

2. This is a case of the year 1986, written statement on behalf of the workmen and the management, as well as the rejoinder on behalf of the workman were filed, the rejoinder having been filed on 25-1-1989. Except filing the written statement and the rejoinder, the workman took up steps thereafter to lead his evidence in support of his claim. None is also appearing in the case for the workman since 4-8-1994, even though is represented by Mr. Bijoy Kumar, Joint Secretary of the Union. Mr. Banerjee, learned counsel for the management accordingly states that in the absence of any evidence from the side of the workmen, he has nothing to answer and it is not necessary for the management to lead any evidence as it is the workman who was to lead the evidence first.

3. From the record I do not find that the workman has been forced to give up his claim or that the demand has been unfairly given up.

4. Without any evidence on the record, it is not possible to adjudicate on the demand raised in the reference. I accordingly hold that the demand of the workman has been given up and is not pressed. I accordingly pass a “No Dispute” Award.

The reference is disposed of accordingly.
 Dated, Calcutta,

The 10th October, 1995.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1995

का. आ. 3415.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद-I के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[सं. एल.-22012/203/90—आई आर (सी-II)]

राजा लाल, डैम्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3415.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad No. I as shown in the Annexure in the industrial dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on the 5-12-95.

[No. L-22012/203/90-IR(C-II)]

RAJA LAL, Deek Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 34 of 1991

PARTIES :

Employers in relation to the management of FCI, Bhagalpur.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri D. Mukherjee, Advocate.

STATE : Bihar.

INDUSTRY : Food.

Dated, the 22nd November, 1995

AWARD

By Order No. L-22012/203/90-IR. (Coal-II) dated, the 29th January, 1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of FCI Bhagalpur Branch in terminating the services of Casual Labour, Shri Nandlal Gupta, w.e.f. 14-4-1988 is justified? If not, to what relief Shri Nand Lal Gupta is entitled?”

2. The concerned workman filed his statement stating therein that he was employed against permanent vacancy in Bhagalpur office of Food Corporation of India Ltd. (FCI in short), on 18-11-82 and was transferred to A.R.D.C. Phase-I Godown under the order of the District Manager

dated 13-2-87 and since then he had been working there. The workman has claimed that he had worked continuously, and had attended more than 240 days in each year. The workman has charged that despite this he was stopped from work with effect from 14-4-88 without following the mandatory provisions of Sec. 25-F of the Industrial Disputes Act, 1947.

3. The workman also has claimed that about 70 others similarly situated workmen, junior to him, had been regularised in service during the years 1988 and 1989 in the light of Head Quarter's Circular dated 6-5-1987 for effecting such regularisation.

4. Several times the concerned workman represented before the management, but without any effect. Thereafter this industrial dispute was raised. A prayer has been made to direct the management to reinstate the workman, Nand Lal Gupta, with full back wages.

5. The management in its written statement has submitted that Nand Lal Gupta was a casual worker and was given jobs as and when required. The management has described as to how the House Keeping Section manages its work with the help of one Asstt. Manager and two Assistants and one Watchman. The management has admitted that Sri Gupta was engaged as casual worker during the years 1993-94 to assist the clerks in proper receipt and issue of materials. Sri Gupta was being paid on vouchers.

6. It has been stated that the management did not consider it safe to engage casual worker in this section with a view that the forms and records kept in the section might not be misused by such casual workers. It has been claimed that thereafter the concerned workman, from about the beginning of the year 1987 was engaged as casual worker at ARDC Phase-I Godown at Bhagalpur. Sri Gupta was doing the job of movement of file and papers from one table to another and to carry on the jobs as directed by the clerical assistants. It has further been submitted that in March, 1988 it was detected that one sugar dealer, Md. Azim had lifted 16 bags of sugar and 14 bags of same article in February and March against forged release orders. This forgery was committed on several papers. The management claimed that the release order forms were issued with the seal of the Godown by the concerned workman. For this two criminal cases were instituted by the management against Md. Azim and others, which are pending trial before the Chief Judicial Magistrate, Bhagalpur. It has further been submitted that thereafter the management did not permit engagement of casual workers in that office. But the management also claimed that the concerned workman could not be engaged on any casual job after 14-4-88 due to want of work.

7. It has been claimed that a casual worker cannot claim regularisation since he was not working on permanent basis. A prayer has been made to render an award against the concerned workman.

8. The management also submitted parawise reply to the written statement of the workman. Here it has been claimed that since the concerned workman was disengaged as casual worker as the work was not available with effect from 14-4-1988, there was no question of compliance of Sec. 25-F of the Act. Here it has been admitted that in the years 1988-89 casual workers were given opportunity to apply for Class-IV posts in the office of the F.C.I. There were 15 vacancies at Bhagalpur office for which casual workmen including the concerned workman had applied but because of his record of service he was not found upto the mark, hence the Head Quarter did not give clearance to consider his name for permanent vacancy.

9. The points for consideration are as follows :

(i) Whether or not stopping the concerned workman from work with effect from 14-4-88 was justified in view of non-compliance of the provisions of Sec. 25-F of the I.D. Act?

(ii) If not, to what relief the concerned workman is entitled?”

10. It is admitted fact that the concerned workman was engaged to work in two different offices of F.C.I. at Bhagalpur. From the record it will appear that my learned predecessor by order dated 7-8-92, on verbal prayer of both the parties, had posted the case for hearing on 12-10-92, however, allowing the parties to file their documents in the meantime. Thereafter the case continued for hearing. But the management never adduced any evidence. By order dated 8-7-94 under the circumstances fully mentioned in that order, the workman was called upon to adduce evidence, closing the management's evidence. The workman examined himself as his only witness and from him the management got two documents proved, which were marked Exts. M-1 and M-2.

11. The workman has claimed in his written statement that he was employed by the F.C.I. on 18-11-82 and had worked continuously till 13-4-88. This contention has not specifically been denied by the management in its parwise rejoinder to the written statement of the concerned workman, though the management in its written statement has claimed that the concerned workman was engaged sometime in the year 1983-84. The concerned workman in his evidence has claimed that he was working in that office since 18-11-82. He also claimed that he had worked more than 240 days in a year. The management, in cross-examination, did not challenge that he had not appointed on 16-12-82, though a suggestion was given that he had not worked for 240 days in a year.

12. From the record it will also appear that on behalf of the concerned workman a petition was filed to call for the Attendance Register of the concerned workman for the period from 18-11-82 to 14-4-88. However, in course of hearing of this petition the learned Counsel of the workman agreed that if the attendance registers for the year 1987-88 were filed that would serve their purpose. It is on the record, as would also appear from the order dated 8-7-94, that despite information about that order sent by the learned Counsel of the management, the management failed to produce those registers. However, if the management denied that the concerned workman had not worked continuously from 18-11-82 upto 13-4-88, or that the workman had not completed 240 days attendance in a particular year, the management was free to prove that by producing the Attendance Registers of the concerned workman. Not having done so, reasonable presumption would be that had the management produced the Attendance Registers, that would have supported the stand taken by the concerned workman in this regard. Therefore, there is nothing on the record to dispute the claim of the concerned workman that he had worked continuously from 18-11-82 upto 13-4-88 and was stopped from work with effect from 14-4-88. This follows that there is nothing to deny the claim of the workman that, having worked continuously throughout the period, he had worked for more than 240 days in any calendar year during the period.

13. Sri B. Joshi, learned Counsel appearing for the management has argued that a casual worker is appointed only on ad-hoc basis and temporarily, hence by virtue of Section 2(oo)(bb) of the Industrial Disputes Act his disengagement from service cannot

amount to retrenchment, hence there was no need to comply with the provisions of Sec. 25-F of the Act. For this the learned Counsel relied upon a decision of Hon'ble Kerala High Courts reported in 1985 Lab. I.C. 37 (P. S. Asitha Vs. Asstt. Director of Tea Development, Tea Board, Kettayam and others). Smt. Joshi submitted that in this decision it was held by their Lordships that in view of Sec. 25(oo)(bb), a casual employee cannot claim regularisation and validly challenge retrenchment. But that was a case in which the petitioner was appointed as Typist-clerk on daily wages and the terms of appointment categorically stated that the appointment was till a permanent appointment was made to the post. Therefore, the clear term of appointment was that the petitioner was employed temporarily, only upto the period till a permanent appointment was made to the post he was temporarily holding. This brings the matter squarely under the provisions of Sec. 2(oo)(bb) of Industrial Disputes Act. According to this provision a retrenchment does not include termination of service of a workman as a result of non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein. Therefore, such ceasing of work must be result of the expiry of the contract between the employer and the employee or such contract having been terminated under a stipulation in that behalf contained therein. In the case related to the aforesaid decision of the Hon'ble Kerala High Court it was stipulated that her contract would be terminated when a permanent appointment was made. But that is not the situation here. Obviously there was no written contract entered into between the two parties when the concerned workman was appointed even as a casual worker. I have already held that there is nothing on the record to show that the concerned workman had not worked continuously or, otherwise, he was engaged from time to time as the need arose. The management even in its written statement or its rejoinder has not spoken of any such contract between the two parties, rather it says that no appointment letter was issued (Para 15 of the written statement).

14. Therefore, there is nothing to show that even though the concerned workman was engaged as casual worker, the intention of the management was to appoint him only for a given limited period, or under a stipulation under which the contract, even an oral one, could be terminated after a particular period, or on the happening of a particular event. Allowing the workman to work continuously for about 5 years and 5 months can hardly show the intention of the management to appoint him for a short period only on ad-hoc basis.

15. In its written statement the management has made two claims. On reading of the entire written statement and the rejoinder filed by the management it would appear that in one breath the management claimed that it stopped taking the work from the concerned workman because of his involvement in two criminal cases, but on the other it claimed that he was stopped from work because no work was available for engaging him.

16. The concerned workman in his evidence has claimed that S/Sri Kanku Roy and Naresh Mohan Jha had started doing the same work after him and have been regularised in service. In cross-examination he submitted that they were appointed in the year 1984 and 1985, respectively. There is no cross-examination on this point. Hence if no work was available for the concerned workman, it remains unexplained that how atleast these two other workmen, who were engaged after the engagement of Sri Gupta, had been allowed to continue in the work, and even regularised. Moreover, in para 7 of its written statement the concerned workman has claimed that 70 workmen, junior to him, had been regularised in the years 1988 and 1989. In its rejoinder the management has not specifically denied that such junior workmen were regularised in service and allowed to continue even after the alleged disengagement of the concerned workman. Rather the management has admitted that casual workers were allowed to apply for their absorption in Class-IV post and were so absorbed. Under such circumstances it is not possible to accept that the concerned workman was stopped from work because of non-availability of work. In so far as allegation relating to involvement of the concerned workman in criminal case is concerned, the complaint petition of the management in one such case is Ext. M-2. It will appear that the management in this complaint case had made only Md. Azim, an accuse, by name. It has been mentioned that the concerned release book alongwith 9 other books were brought from the District Officer of F.C.I. by the concerned workman but all of those were received by Sri P. Bhagwan, the Assistant who was incharge of ARDC Phase-I. Therefore, this assertion of the management as given in its written statement that the release order forms were issued by the concerned workman, is not even substantiated by this complaint petition. Ext. M-1 is the order of the learned Chief Judicial Magistrate, Bhagalpur who had sent the complaint petition to the concerned Police Station to institute a case.

17. Coming back to the question as to whether in the case of this nature the provisions of Sec. 25-F of the Industrial Disputes Act were or were not needed to be observed by the management, this poser may be examined under the facts and circumstances of the case. Here it may also be mentioned that the concerned workman in his evidence has admitted that he was appointed as casual labour. But the fact remains that there is nothing to show that there was any contract between the parties, oral or written, that this engagement was to end after a particular period or that there was any contract containing stipulation about termination of the contract. The fact that has been proved is that for more than five years this workman was allowed to work continuously and was stopped from work only after suspicion arose about his complicity in the issuance of two fake release orders. However, if the management was legally bound to observe the provisions of Sec. 25-F of the I.D. Act before stopping from work the concerned workman, then they had to observe that provision even after

any such suspicion arose. Since there is nothing on the record to show that the contract was to be terminated after a particular period or on the happening of a particular period, the amendment brought in under the provisions of Sec. 2(oo) (bb) of the Act would not be applicable.

18. It may be argued that engagement of a workman on casual basis itself suggests that the engagement was temporary and was to come to an end, hence that must be taken to be an implied contract between the two parties. But if this argument is accepted then this may tend to defeat the safeguard of Sec. 25-F of the I.D. Act because then even engaging a workman for doing a work of permanent nature for indefinite period, and taking work from the workman continuously, the management could easily get over the mischief of Sec. 25-F of the I.D. Act by simply making the appointment ostensibly on casual basis. If such argument is accepted then the management can go on taking work from a workman for any number of years just by describing the appointment to be on a casual basis, thereby saving for it considerable amount of money and by denying the concerned workman of regular wages and other benefits of service as prescribed under the law and the relevant rules. Therefore, this argument has to be rejected.

19. Therefore it has to be discerned from the facts and circumstances of a particular case as to whether or not a particular appointment was actually on casual basis or whether such appointment was simply described to be on casual basis in order to deny the concerned workman proper wages and other benefits of a regular appointment.

20. As already seen this workman was allowed to work for more than five years continuously obviously doing permanent nature of job, working in the premises of the management and being paid for his work by the management. From the materials on record it is also obvious that the workman was stopped from work not because there was no work available for him, but because of some suspicion having arisen about the complicity of the concerned workman in the mind of the official concerned. This is also clear from the trend of the cross-examination of the concerned workman. The management had suggested to this workman, in cross-examination, that the concerned workman was also instrumental in getting wheat and sugar released from the Godown on a forged document for which a criminal case was instituted against him. This witness denied the other suggestion also that after such incident the management decided not to employ a casual labour and implemented that decision. The workman also denied the suggestion of the management that FCI did not regularise him in service because of lack of confidence in him.

21. Though all these suggestions were thrown upon the concerned workman, the management did not even suggest that he was removed from work because no work was available. The aforesaid facts deny the claim of the management that the workman as a casual worker was removed because of lack of work. Since there is nothing on the record to show that the concerned workman was intended to be removed from work because it was stipulated that sometime in future work may not be available for him, this goes against the claim of the management that the appointment of the concerned workman was on casual basis.

22. Therefore this is one case in which the management can hardly be allowed to take shelter behind the plea that the engagement of the concerned workman was purely casual, hence there was no need to comply with the provisions under Sec. 25-F of the Act.

23. Under the peculiar circumstances of this case I hold that the removal of the concerned workman from the work amounted to retrenchment. Since this amounted to retrenchment the management was bound to follow the provisions of Section 25-F of the Act. Not having done so, the retrenchment of the concerned workman was illegal.

24. Having come to this decision now I will take up the point No. (ii) for consideration. The only remedy for non-observance of provisions under Sec. 25-F of the I.D. Act is reinstatement of the workman with back wages. However, there is also nothing on the record to show as to what happened in the criminal cases that were instituted against the concerned workman also. If those ended in conviction of the concerned workman or, if presently pending, ends in future in conviction of the concerned workman, the management shall be free to take such action against the concerned workman as allowed under the law and rules, even after his reinstatement under this award.

25. In so far as the back wages is concerned, obviously the concerned workman was working on daily wages and would have continued working on that basis but for his retrenchment. At least till his retrenchment it does not appear to have raised any dispute about payment to him of regular wages. Therefore, back wages would be payable to him only on the basis of wages he was receiving at the time of his retrenchment though, after his reinstatement in the same capacity in which he was working earlier, keeping in view the period of his service the management may consider his regularisation in accordance under the rules of the Company.

26. Following, therefore, is the award—

The action of the management of FCI, Bhagalpur Branch in terminating the services of Nand Lal Gupta with effect from 14-4-88 was not justified. The management is directed to reinstate the concerned workman and to pay him back wages in the way as stated above.

In the circumstances of the case there would be no order as to the cost.

P. K. SINHA, Presiding Officer.

नई दिल्ली, 7 दिसम्बर, 1995

का. प्र. 3416.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[सं. एल-31/40/86-को.आई. I/डी-II(बी)]

राजालाल, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3416.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on the 5-12-1995.

[No. L-31/40/86-Cop.I/D-II (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SHRI S. R. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 7/87

Pawan Kumar Singla represented by the General Secretary
FCI Class IV Union Regd. No. 56 Post Box No. 30,
H.O. Sangrur.

Vs.

The management of FCI through its (1) Sr. Regional
Manager Punjab FCI Punjab Region SCO No. 359
Sector-34, Chandigarh.

For the workman—Workman in person.

For the management—N. K. Zakhmi.

AWARD

Dated, the 6th November, 1995

In exercise of the powers conferred U/S 10(1)(d) of the Industrial Disputes Act 1947, (for short called as the Act), the Central Government vide its letter bearing No. L-31/40/86-Cop. I/D-II (B) dated 20th January 1987, has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of FCI in publishing S/Shri P. K. Singla and Jagdish K. Goyal

Watchmen by stopping three increments with cumulative effect w.e.f. 1-1-1984 is just and legal? If not, to what relief are S/Shri P. K. Singla and Jagdish Rai Goel are entitled to and from what date?"

On receipt of the reference, notices were issued to the workmen as well as to the management. The workmen appeared and the case was adjourned. Later on the workman did not appear and one of my learned predecessors vide his order dated 15-3-1989 filed the proceedings in the reference for want of prosecution. Thereafter on 6-7-89, the workman moved an application for revival of the reference and the then Presiding Officer set aside the earlier order and restored the reference.

The workmen submitted the statement of claim in which they assailed the impugned order dated 18/20-8-83 passed by the senior Regional Manager, Chandigarh Punjab, FCI Chandigarh based upon the enquiry report submitted by the enquiry officer by which their three increments with cumulative effect were stopped to be illegal and liable to be set aside. It was alleged that the order is not a speaking one and is based on surmises and conjectures. It was also alleged that before imposing of penalty no show cause notice was issued, nor any reasonable opportunity was afforded to the workman before passing of the said order. It was alleged that the enquiry has been conducted with a biased mind and that the enquiry officer did not allow full and reasonable opportunity to the workman to lead his defence evidence as his request for adjournment was not accepted and enquiry officer did not allow the workman to examine Shri K. S. Sethi and other witnesses in his defence. It was alleged that enquiry report is based upon supposition of facts and that the enquiry officer did not consider the material fact that Shri K. C. Chadda withdrew the criminal case from the court of Sub Divisional Magistrate Barnala. The plea taken is that the evidence of the prosecution witnesses is contradictory, which shows that the story put forward was fabricated. The relations between the workman and Shri K. S. Sethi were not cordial as the workman the office bearer of FCI Class IV Employees Union. The workman, therefore demanded that the impugned order vide which his three increments with cumulative effect have been stopped should be quashed.

On the other hand, the plea of the management is that a domestic enquiry into the allegations of misconduct finding in the Memorandum No. Estt. 36(18)/80/802 dated 20/23-12-80 was conducted and the punishment of stoppage of three increments with cumulative effect was awarded on the basis of the findings of the enquiry officer. It was pleaded that the order is perfectly legal and valid as fair and proper enquiry was conducted. The management further pleaded that in case the Court finds any infirmity in the enquiry, the management should be permitted to prove the charges against the workman in the court.

The workman submitted the replication controverting the allegations of the management as made in the written statement and reiterated his earlier pleas.

The workman appeared as WW-1 and submitted his affidavit Ex. W-1 and documents Ex. W-2 to Ex. W-78. He was cross-examined. During cross-examination, he admitted that he appeared during the enquiry and attended all the proceedings and further admitted that he cross-examined all the witnesses except Shri K. S. Sethi. He further stated that although his request to summon Shri K. S. Sethi as his defence witness was allowed but he could not examine him. He admitted receipt of documents but stated that he was not allowed to tally the documents. He stated that although he filed an appeal yet no intimation received by him regarding its failure.

The management examined Shri P. B. Aggarwal District Manager FCI Sangrur who produced his affidavit Ex. M-1. During cross-examination, he stated that the charge sheet against the workman was framed and a fair and proper enquiry was conducted and enquiry officer gave full opportunity to the workman. He also stated that although the District Manager was the punishing authority at the relevant time, yet, the higher authority i.e. senior regional manager has also got powers to punish the workman. He also stated that the workman might have filed the appeal before the

Zonal Manager but it might not have sent through District Manager's Office. He further admitted that appeal of Jagdish Rai Goyal co-worker has since been rejected vide Ex. W-79.

Having heard the learned representatives of both the parties and also having given the deepest consideration to the entire matter, I am of the considered opinion that there is no merit in any of contention raised on behalf of the workman.

The impugned order is Ex. W-2. Its perusal shows that the order passed is speaking one. Although the enquiry officer has absolved the workman of Article of Charge-I, yet, punishing authority differed with the findings and there is nothing wrong with the same. The workman assailed the enquiry proceedings on the ground that he was not allowed to inspect the documents before the recording of the prosecution evidence. However during cross-examination, he admitted that he received the documents but stated that he was not allowed to tally the documents supplied. However no such plea was raised by him in the claim statement filed. It is well settled that no amount of evidence can be looked upon which is beyond the scope of pleadings. The grievances of the workman that the District Manager Sangrur was biased against him and on account of the bias, he referred and reported the matter to the Regional Manager has no legs to stand. Assuming for the sake of arguments that Shri K. S. Sethi District Manager was biased against him, yet, in all fairness, he referred the matter to higher authorities, who decided to charge sheet the workman and hold the enquiry against him. The charges against the workman were that while working as a watchman in Sangrur District, he failed to observe office decorum, decency and discipline in as much as on 14-7-80 he alongwith Shri Jagdish Rai Goyal watchman and Avtar Singh watchman entered the chamber of Shri S. P. Bhatia who was working as Asstt. Manager (Amdn.), Distt. office Sangrur and then misbehaved with him, pushed him aside and abused him in most, derogatory tone. He alongwith others followed Shri Bhatia to the cabin of Asstt. Manager (Accts) Sangrur caught hold him besides abusing him. The 2nd charge against him is that on 22-7-80 he alongwith Jagdish Rai Goyal visited the office of FSD Barnala, raised a row with Shri K. S. Chadda, AM (D) on such issues not connected with him and and thereafter, manhandled and threatened him with dire consequences in a most undesirable manner. After receipt of the charge sheet an enquiry was conducted and Shri A. P. Malik, JM (Inq.) was appointed as enquiry officer to enquiry in respect of the charges as mentioned above. The enquiry was conducted. The perusal of documents Ex. W-2 to W-78 shows that the enquiry was conducted in a fair and proper manner and the workman was given full opportunity during the course of proceedings. It reveals that during the enquiry proceedings, the management adduced as many as 9 witnesses. The workman in his defence also produced 8 witnesses. After going through the said record and documents and statement of witnesses produced during the enquiry, the enquiry officer submitted his report, wherein he held that Article of Charge-I does not stand proved against the workman, as the enquiry officer was inclined to give benefit of doubt in respect of incident embodied in charge Article-I. With regard to Charge No. 2, the enquiry officer reached to conclusion that it stand clearly establish, the sequence of the incident of misbehaviour and manhandling of Shri K. S. Chadda, AM (D) FSD, Barnala by the workman and his companion Jagdish Rai Goyal on 22-7-1980 at FSD Barnala which was gross indiscipline. The perusal of the enquiry file shows that the enquiry officer gave his findings while submitted his enquiry report and the enquiry report appears to be perfectly legal and proper and is touching all the statement of witnesses of both the parties as well as material placed before him during the course of enquiry proceedings. The disciplinary authority after receipt of the enquiry report, and the other material placed before him and after applying his mind reached the conclusion that the workman was guilty of misconduct as alleged in the charge sheet. According exercising the powers conferred, by the Resolution 56 of FCI Staff Regulation 1971 imposed a penalty of stoppage of three annual increments of his pay with cumulative effect which took effect w.e.f. 1-1-1984. The punishment imposed upon the workman appears to be quite commensurate with the charges duly proved.

The workman has tried to refer to the various statements made by the witnesses during the enquiry. It is well settled that, this Court is not to sit as a Court of appeal over the findings of the enquiry officer. Suffice to say that the

evidence produced has been discussed in detail and the enquiry officer has discussed entire evidence produced before him in a dispassionate manner. He has not based his finding on conjectures and surmises as alleged by the workman. The workman was afforded due and reasonable opportunity during the course of enquiry. It was not incumbent upon the management to give show cause notice before imposing the penalty. The fact that the workman was promoted to his next higher grade does not absolve him of the charges. Although the workman has produced Ex. W-78 to show that he preferred an appeal before the Zonal Manager FCI, New Delhi, but the fact remains that the appeal filed by his co-worker Jagdish Rai Goyal has since rejected as is evident from Ex. W-79. Had the workman filed the appeal, the same would have also bears decided by now. MW-1 P. B. Aggarwal has stated that the workman has not filed the appeal through the office of District Manager Sangrur. More over this has no effect on the decision of the present reference.

For the aforesaid reasons, I am of the clear opinion that the domestic enquiry conducted against the workman is fair and proper and inflicting of penalty of stoppage of three increments with cumulative effect is perfectly legal and justified. The workman is not entitled to any relief whatsoever. The reference shall stand answered against the workman.

Appropriate Government be informed accordingly.
Chandigarh,

Dated : 6-11-1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 7 दिसम्बर, 1995

का.आ. 3417.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-95 को प्राप्त हुआ था।

[स. एल-42012/175/87-डी-II(बी)]

राजालाल, डेस्क अधिकारी

New Delhi, the 7th December, 1995

S.O. 3417.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 5-12-1995.

[No. L-42012/175/87-D-II(B)]

RAJA LAL, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. R. BANSAL,
PRESIDING OFFICER, CENTRAL INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

I.D. No. 76/88

Gurcharan Singh S/o Sardha Singh, R/o H.N.
863/12, Shivpuri Colony, P.O. Gita
Nagri, Ambala —Claimant-workman
Versus

Bhakra Beas Management Board, Madhya
Marg, Sector 19-Chandigarh through
its Chairman and another
—Respondent-Management

PRESENT :

1. Shri K. L. Arora, Representative for the Workman.
2. Shri C. Lal, Representative for the Management.

AWARD

The Central Government vide Order No. L-42012/175/87-D(ii)(B), dated 11-10-88, in exercise of powers vested under section 10 of the Industrial Disputes Act, 1947, referred the following dispute adjudication to this Court :—

“Whether the action of the management of BBMS, O&M Division, Dhulkote, Ambala District in terminating the services of Shri Gurcharan Singh S/o Sardha Singh, Line Man (work charged) w.e.f. 27-10-84 is legal and justified? If not, to what relief the workman concerned is entitled and from what date,”

2. On receipt of the above said reference from the Central Government, notices were sent to the parties. After appearance, the claimant workman filed his statement of claim alleging that he was appointed as Lineman (work charge) with the respondent management with effect from 10-12-79, He further that he had proceeded on leave duly sanctioned from 8-10-84 to 26.10.84 and thereafter he applied for extension on medical grounds from 27.10.84 to 28.11.84 and then again from 27.11.84 to 10.1.85 and this leave was further got extended upto 2.9.85. He further stated in the claim statement that he had applied for extension from time to time, because his mother had applied for extension from time to time, W tension from time to time, because his mother was seriously ill and there was none to look after her at the home. As further alleged, he went to join his duty on 3.9.85, but he was not allowed to do so and he was informed that his services had already been terminated with effect from 27-10-84 vide orders dated 23.4.85. According

to him, this termination was ordered by the respondent management without holding any enquiry against him or without complying with the provisions of the Industrial Disputes Act. The respondent management filed their written reply to the claim statement and denied the assertions raised by the workman. The stand of the respondent management was that after expiry of sanctioned leave upto 26-10-84, they have been informing the workman to join his duties, as the extension applied for by him beyond 26-10-84 had not been sanctioned by the management. According to them, the workman had in fact gone abroad and was not interested to perform his duties and as a result thereof after due notice through registered post as well as through the press, the management had no other alternative, but to terminate his services, in accordance with the provisions of the standing order as issued by the B.B.M.B. The workman, any how, filed replication and reiterated the stand taken by him in the claim statement.

3. The parties were thereafter given an opportunity to lead their respective evidence. While the workman tendered his evidence in the form of affidavit Ex-W1, the respondent management tendered affidavit Ex-M9 of Shri P. P. Wahi, Executive Engineer. The workman also tendered documents Ex-W2 to W6 and the respondent management likewise also tendered documents Ex-M1 to M13. The witnesses were also produced for cross examination by the opposite parties.

4. In his affidavit Ex-W1, the workman reiterated the stand with regard to proceeding on leave sanctioned from 18.10.84 to 26.10.84 and thereafter applying for extensions from time to time upto 2-9-85. He also deposed that his mother had been under treatment with Jain Nursing Home, Rajpura and produced certificate Ex-W4 dated 20-12-85 as issued by Dr. Vinod Kumar Jain of the said Nursing Home. According to his affidavit, he never received any communication from the respondent management, requiring him to join duties. He asserted that his service were terminated illegally with effect from 27-10-84 without payment of any compensation as per requirement of law. The respondent management in the affidavit of Shri P. P. Wahi, however, deposed that the workman had been sanctioned leave for nine days from 18.10.84 to 26.10.84 and no leave thereafter as applied for was sanctioned to him. According to them, the workman was directed to resume duty and for this purpose registered letters were sent to him at his permanent address in District Patiala, which were, of course, received back undelivered with the report of postal authorities that the addressee had not met at the house after trying from time to time. Shri Wahi in his affidavit dated 1-12-92

also deposed that the workman had gone abroad without seeking any permission from the competent authority in the management and, thus, after giving a notice in the newspapers, his services were terminated with effect from 27-10-84.

5. I have heard the representatives of the parties and have also gone through the record carefully. As stated earlier, the stand of the respondent management is that the workman had actually gone abroad on 18-10-84 through the Iraqi Airways. The Management has placed on record letter dated 26-12-86 Ex-M 10 as issued by the Iraqi Airways, which reveals that the workman had travelled in the flight IA 430 18-10-84 vide ticket number 0734100851287. This letter was issued by the Iraqi Airways to Shri Jagir Singh, Executive Engineer, BBMB in reply to his demi-official letter dated 23-12-86. Interestingly, the workman in his affidavit Ex-W1 is not specifically denying this part of the stand taken by respondent management in their pleadings as also affidavit Ex-M9. It appears that the workman has purposely avoided to do so for the reason probably that he may not be later on proceeded against for having filed a false affidavit. In any case, the perusal of record clearly reveals that the workman was sanctioned leave for 9 days upto 26-10-84 vide document Ex-M2 and his requests for extension thereafter were rejected vide letter Ex-M3. Thereafter, communication Ex-M 4 was sent to workman whereby it was informed that the request for extension had been rejected and that he should resume his duties immediately. Ex-M6 to M8 are public notices as released in the Indian Express, Chardhi Kalan and Rozana Ranjeet (Punjabi Papers) respectively. The registered letters as received undelivered and as addressed to the workman at his permanent home address are Ex-M11 to M-13. It is evident from these envelops that the workman was not available at home despite visits by the postman. Ex-M4 is the certificate dated 20-12-85 as issued by the Jain Nursing Home and as relied upon by the workman. This is an unattested photostat copy of the certificate, which, of course, stands exhibited through the statement of workman. In any case, the workman did not produce Dr. Vinod Kumar Jain of the said nursing home for proving this certificate with a view to find out whether his mother was actually admitted in the nursing home or has been under treatment there. According to this certificate, Smt. Sard Kaur mother of the workman was under treatment with the nursing home upto August, 1985 and the certificate was managed on 20-12-85 i.e. after a period of 4 months from the date of expiry of treatment of Smt. Sard Kaur. The stand of the workman has been that he never received any of the communications from the respondent management and nor he had any knowledge of the public notices as

released in the press. He is rather coming up with the plea that his certain other colleagues like S/Shri Mohinder Singh, Avtar Singh and Piara Singh has gone abroad and on their return after about 10 months they were taken back in service, while his services were terminated by the management. This plea as raised by the workman certainly goes to reveal that he had actually gone abroad as alleged by the respondent management, but he has been trying to evade reply to this aspect of the matter by taking the plea that he never received any communication from the respondent management asking him to resume duty after rejection of his leave with effect from 27-10-84 onward. It was pleaded by the representative of the management that service of the workman was dispensed with in accordance with the provision in clause 17(a) of the standing order, which provides as under :—

(H) Overstayal of leave

If an employee remains absent beyond the period of leave originally granted or such subsequent leave extended, if any, he shall be liable to lose his lien on the appointment unless the employee returns and explains within one week of the commencement of his absence to the satisfaction of the Executive Engineer incharge that the overstayal of leave was due to circumstances beyond his control. Before terminating the lien, the workman shall be served with a show cause notice under registered post and given ten days time to resume duty.

The representative of the respondent management also cited an authority of our own High Court in case 'Kulbir Singh versus State of Punjab, 1991 (5) (SLR P&H 494)' according to which the plaintiff/appellant Kulbir Singh had gone on leave of his own sweet will from 10-7-76 without obtaining permission and he never cared to join his duty when his leave was rejected by the competent authority. He was sent intimation regarding rejection of his leave through registered post and the same was received back undelivered and thereafter the competent authority published notice in the newspapers requiring the plaintiff/appellant to join duty within 15 days. It was held in the above said case that the plaintiff/appellant had actually abandoned his post and in such a situation no useful purpose could have been served to give any further opportunity. The facts of the present case are on all fours with the authority as cited above. It can, thus, be safely presumed that after the expiry of sanctioned leave on 26-10-84 the workman had deliberately been absenting himself from duty unlawfully and, thus, he had abandoned the job of his own by coming up with false plea on the pretext of illness of his

mother. In view of the law as laid down in Kulbir Singh's case, this court is of the view that the termination of service of the workman with effect from 27-10-84 by the respondent management was legally justified. The reference of the Central Government is answered accordingly. Appropriate Government be informed accordingly.

Dated the 20th November, 1995.

S. R. BANSAL, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1995

का.प्रा. 3418.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के प्रनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-12-95 को प्राप्त हुआ था।

[सं.एल-22012/268/93-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 8th December, 1995

S.O. 3418.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on the 4-12-95.

[No. L-22012/268/93-IR (C II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated, 11th day of October, 1995

INDUSTRIAL DISPUTE NO. 41 of 1993

BETWEEN

The Chief Vice President, Central Council Singareni Collieries Workers Union (AITUC) Bellampalli Dist. Adilabad. (A.P.) —Petitioner

AND

The General Manager, M/s. S.C. Co. Ltd., Mandamarri P.O. Kalyani Khani, Dist Adilabad. (A.P.) —Respondent

APPEARANCES :

Sri B. Ganga Ram, Representative for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Honorary Secretaries of A. P. Chambers of Commerce and Industry for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-22012/268/93-IR(C.II), dated 12-11-1993 under Section 10(1)(d) 7 (2A) of the Industrial Disputes Act, 1947 for adjudication of the dispute annexed to the schedule which reads as follows :—

“Whether the action of the management of M/s. S.C. Co. Ltd., Mandamarri in not promoting Sri A. P. Rajamouli, non-ITI Tradesman Helper Cat. II who has been working as Helper Cat. II and passed the test and interview, to the post of Electrician Cat. IV and by promoting two Tyndals Cat. IV to the post of Electrician Cat. IV in violation of term No. 16 of Memorandum of Settlement dated 12-3-90 is legal and justified ? If not, to what relief the workman is entitled to ?”

This reference has been registered as Industrial Dispute No. 41 of 1993 on the file of this Tribunal.

2. The Petitioner-Union raised the dispute on behalf of the Workman A. P. Rajamouli. On behalf of the workman the Petitioner Union filed the claim Statement to the following effect. A. P. Rajamouli has been working as Electrical Helper Category II in Kalyan Khani 2 Incline since 1986. He also acted as Electrician as and when required. Prior to this, he also worked as Helper in Kalyan Khani I Coal screening plant. The workman has got more than 7 years service as Electrical Helper by July, 1990, when the trade test was conducted. As per Item No. 16 of the Memorandum of Settlement dated 12-3-1990 a trade test was conducted for the Non-I.T.I. Tradesman Helper in the month of July 1980. After the test and interview of the candidates except the workman A. P. Rajamouli and two others all others were promoted to Electrician Category IV and Fitter Category IV within one month thereafter the workman Fakruddin was also promoted as Electrician Category IV. In violation of the provisions under Item 16 of Memorandum of Settlement dated 12-3-1990 the Management allowed Tyndals of Category IV i.e. Bangam and Kolipaka Mondi were permitted to appear for the test and interview and they have been promoted as Electrician Category IV, to

the detriment of the interest of the workman A.P. Rajamouli. Under Item 16-A of the Memorandum of Settlement dated 12-3-1990 Category II non-I.T.I. Tradesman Helper alone are entitled to appear for the trade test as a one time measure. Under Item No. 16-B of the said Settlement I.T.I. Fitters and Electrical Certificate holders who are doing other jobs are entitled to appear for the trade test for placement in Category II of Helpers. But the Management allowed Category IV Tyndals to appear for the trade test and placed them as Electrician Category IV. The nature of jobs of Tyndals is to carry machine tools and heavy materials and they have no knowledge of Electrician. The action of the Management in placing Category IV Tyndals as Electrician Category IV and denying promotion to the workman A. P. Rajamouli as Electrician Category IV is quite unfair and unjustified. Hence the petitioner-Union prays that the workman A. P. Rajamouli should be promoted as Electrician Category IV w.e.f. July 1990.

3. On behalf of the Respondent-Management, a counter has been filed, disputing the claim of the Petitioner Union, to the following effect. The reference as made under Section 10(1)(d) and (c) is not maintainable. It is true that the workman A. P. Rajamouli was appointed as General Mazdoor on 16-2-1979 and he was placed in Category II as helper to Electrician on 1-9-1985. It is also true that prior to this he worked in Kalyan Khani 2 Incline as Helper to the Electrician. The Helpers who work with the skilled Category workmen slowly pick up certain skills due to their experience. The Management with a view to provide promotional avenue to these Helpers, have provided a scheme of conducting trade test for Non-I.T.I. Tradesmen in various skills and the candidates whoever passes such trade test, will be subjected to interview and thereafter a panel will be prepared on the basis of the material and that panel will be valid for one year. The unions and the Management entered into a settlement on 12-3-1990 and according to which one measure trade test was conducted between 8th and 10th July, 1990 for all Non I.T.I. Tradesmen for promotion to the post of Electricians/Fitter in Category IV. 19 persons attended for the trade test and they were placed in the panel according to merit and there were 15 vacancies available to fill up as per the rank in the list. The petitioner A. P. Rajamouli is 18th in the list. Rajamouli and three others could not get promotion as Category IV. Subsequently Fakruddin was given promotion in Category IV. The Management has complied with the provisions of Item 16 of the Settlement dated 12-3-1990 in conducting the trade test and interview and selecting the candidates on merits. The workman A. P. Rajamouli could not get selected in the trade test. It is true that Bangam and Kolipaka Mondi are Tyndals. They were also called for trade

test for electrical Fitter with several others and they have passed the said examination and they were selected on merit as Electrician Cat. IV. Irrespective of their designations and categories, the workmen equipped with electrical experience in their trade, called for test to give fair opportunity for them to get posting as Electricians Category IV. The workman A. P. Rajamouli is not entitled for promotion as Electrician Category IV as he failed to get through in the trade test. There are no merits in the petitioner's claim. Hence the petitioner is not entitled for relief.

4. On behalf of the Petitioner Union, W.W1 is examined and Exs. W1 and W2 are marked. The workman A. P. Rajamouli is examined as W.W1 and he deposed to the averments in the claim statement. On behalf of the Respondent Management, M.W1 is examined and Exs. M1 to M4 are marked. The Personnel Officer working in the Singareni Collieries Company Limited is examined as M.W1 and he deposed to the averments in the counter. The details of the documents Exs. W1 and W2 and Exs. M1 to M4 are appended to this Award.

5. The points for consideration are :

- (1) Whether the action of the Respondent-Management in not giving promotion to the working A. P. Rajamouli as Electrician Category IV w.e.f. July, 1990 is justified?
- (2) To what relief the workman A. P. Rajamouli is entitled?

6. POINT (1) :—The admitted facts as revealed from the evidence on record are as follows :

The workman A. P. Rajamouli, originally, was appointed in the Respondent-Company on 16-2-1979 as piece rated workman. Later he was drafted as Electrician Helper on 1-9-1985 and he is working as Electrical Helper in K.K. 2 Incline. He is a non-I.T.I. tradesman Helper Category-II. Under Section 12(3) of the I.D. Act, 1947 a Settlement was arrived at between the Management of Singareni Collieries Company Limited and their workman represented by five Unions over a charter of demands on 12-3-1990. Ex. W1 is the xerox copy of the said Memorandum of Settlement dt. 12-3-1990. Under Clause 16 of this memorandum of Settlement, the Management had agreed, as one time measure, to conduct trade test for Cat. II Non-I.T.I. Helpers for promotion to Electrician Cat. IV. In pursuance of that memorandum of settlement, all Non-I.T.I. Tradesmen Helpers appeared for the trade test for being promoted as Electrician Cat. IV. The workmen A. P. Rajamouli and 18 others participated in that trade test held on 8th and 10th July 1990. At that time 15 vacancies of Electrician Cat. IV were vacant. Ex. M1 is the list of candidates who appeared for the trade test. The name of workman A. P. Rajamouli is at S. No. 9. As seen from this list 17 Electrical

Helpers one Hauler Operator and one Tyndal appeared for the test, and out of them, the workman A. P. Rajamouli and Helper Shaik Fakruddin, Bheem Naik and H[Operator Erroju Venkatesham did not get selected for the post of Electrician Category IV and others were selected and they were given posting by the office order Ex. M2 dt. 1-8-1990. It is also admitted that within one month thereafter Electrical Helper Shaik Fakruddin who is at S. No. 2 in Ex. M1 was also promoted as Electrician Category IV. Ex. M3 contains the list of Fitter Helpers and Electrical Helpers totalling 30 and they were called to appear for the trade test to be held on 8-7-1990 and this is dated 8-4-90/24-6-1990. As seen from the letter Ex. M4 dt. 7-7-1990, the Management directed Erroju Venkatesham Hauler Operator, G. Tulasi Bangaram, Tyndal, Dandiboina Rajamallu and Kolipaka Mondi, Tyndals to attend to trade test to be held on 8-7-1990. It is in pursuance of this letter Ex. M4 Hauler Operator Erroju Venkatesham Tyndal and Tulasi Bangaram appeared for the test and their names find place in the list of candidates Ex. M1 at S. Nos. 18 and 19 respectively.

7. The learned representative for the Petitioner-Union vehemently contends that the trade test held on 8th and 10th of July, 1990 was not in conformity with Clause 16 of memorandum of Settlement dt. 12-3-1990, that the management, with a view to favour tyndals and Hauler Operators, also directed them to appear for the trade test in violation of the provisions in Clause 16 of the said memorandum of settlement and that the workman A. P. Rajamouli who passed the test was not promoted as Electrician Category IV and on the other hand Tulasi Bangaram Tyndal who is not entitled to appear for the trade test has been promoted as Electrician Cat. IV. The learned representative for the Petitioner-Union further contends that on 7-7-1990 i.e. a day before conducting trade test the Management directed the Tyndal and Hauler Operator to appear for the trade test even though, they are not eligible to appear for the said trade test. It is necessary to look into Clause 16 of the memorandum of settlement dt. 12-3-1990 to see whether the Tyndals and Hauler Operators are entitled to appear for the trade test for promotion as Electrician Cat. IV. Ex. W1 is the xerox copy of the said memorandum of settlement dt. 12-3-1990. Clause 16 of the said memorandum of settlement reads as follows :

"PROMOTION OF CAT. II NON ITI HELPERS.

- (a) The management agrees as a one time measure to conduct trade test for Cat. II non-ITI Helpers promotion to Cat. IV on the following basis :—
 - (i) Matriculates with three years experience in Cat. II.
 - (ii) Non-Matriculates but literates with four years experience in Cat. II.

- (b) I.T.I. Fitters and Electricians Certificate holders who have not passed the NCTVT examination and who have been working in other jobs for a period of 3 years will be trade tested for placement in Cat. II as Helpers as a one time measure.

It is clear from the heading of Clause 16 itself that trade test is exclusively meant for Cat. II Non-ITI Tradesman Helpers only. Hence the question of sending other persons irrespective of Category and nature of jobs for the trade test to Electrician Category IV does not arise. M.W1 is the Personnel Officer working in the Respondent-Management also stated in his cross examination thus "I know Item No. 16 of memorandum of Settlement dt. 12-3-1990. This settlement applies only to Category II Non ITI Helpers only. It is true that as per the Settlement only candidates in Cat. II alone are entitled to sit for the trade test but by internal circular we allowed all the workmen irrespective of category and designation to take their test." But that alleged internal circular, permitting all the workmen irrespective of categories and designations to appear for the trade test, is not filed before this Tribunal. Ex. M4 is not the internal circular but it is a letter dt. 7-7-1990 issued by the Management directing three Tyndals and Hauler Operator to appear for the trade test. The names of these Tyndals and Hauler Operator and noted in this letter and it has been specifically addressed to them and it is not a general circular inviting all the workmen irrespective of the categories and designations to take trade test. Moreover the said letter has been issued a day prior to the holding of the trade test. As seen from Ex. M3 the list of eligible Cat. II Non-ITI Helpers in the categories of Fitters and Electricians was prepared and the Management by its letter dt. 8-4-1990/24-6-1990 directed them to appear for the trade test on 8-7-1990. This list does not include any other categories of workers and it has been prepared in pursuance of the spirit of Clause 16 of the memorandum of settlement. But for reasons best known to the Management, it has also called one Hauler Operator and three Tyndals under Ex. M4 to appear for the trade test in violation of Clause 16 of the memorandum of settlement. There is nothing on record to show that these Tyndals and Hauler Operator and any knowledge of Electrical operations so as to be eligible for appearing for Trade test, for the post of Electrician Category IV. Further M.W1 in his evidence categorically stated that the nature of job of Tyndal is to carry heavy materials from one place to another, but he claims that they worked as Electricians and Helpers as and when required. But there is nothing on record to show that they were even deputed to work as Electricians and Helpers at any point of time. Further in Clause 16-B of the memorandum of settlement, it is clearly mentioned that I.T.I. Fitters and Electricians Certificate Holders who are doing other jobs will be trade tested for placement in

Cat. II Helpers as a one time measure. Under these specific provisions of Clause 16 of the Memorandum of Settlement it is not known how the Management had invited the Tyndals and Hauler Operator to appear for the trade test which is meant exclusively for Electrical Fitter Helper Cat. II for promotion to post of Electrician Cat. IV. Therefore, there is much force in the contention of the learned representative for the Petitioner-Union that with a view to show favouritism to the Tyndals and Hauler Operators they have also been invited to attend the trade test on 8-7-1990. The contention of MW1 that the said Tyndals and Hauler Operator were called for the trade test as per the internal circular issued by the Management also cannot be accepted for the reasons firstly the said internal circular is not produced and secondly even the Management cannot issue such circular contrary to the provisions of Clause 16 of the memorandum of settlement dt. 12-3-1990 as by such circular the Management will be depriving the opportunity to the deserving Cat. II Non-ITI Helpers.

8. As seen from Ex. M1 that G. Tulasi Bangaram Tyndal was recommended for promotion as Electrician Category IV. On account of this the petitioner A. P. Rajamouli though secured 44 per cent of marks could not get his name recommended for promotion. If Tulasi Bangaram Tyndal had not been invited for the trade test, the workman A. P. Rajamouli would have been selected for promotion to Electrician Category IV.

9. The promotion under Clause 16 of the Memorandum of Settlement was as a one time measure. The workman A. P. Rajamouli is deprived of that promotion under that Clause due to wrongfully permitting Tyndals and Hauler Operator to appear for the trade test. As such the workman A. P. Rajamouli has lost the opportunity for ever for being promoted as Electrician Cat. IV and it caused great hardship to him. Therefore the workman A. P. Rajamouli on a consideration of the marks secured by him in the trade test as seen under Ex. M1 and considering the available vacancies on the date of trade test, A. P. Rajamouli is entitled for promotion as Electrician Cat. IV and he should be placed above G. Tulasi Bangaram in the select list of Electrician Cat. IV w.e.f. 1-8-1990. The promotion of G. Tulasi Bangaram Tyndal as Electrician Cat. IV under Exs. M1 and M2 cannot be set aside by this Tribunal for the reason that he is not a party before this proceedings and no adverse order can be passed against him in his absence.

10. In the light of my above discussion, I hold on point 1 that the action of the Respondent Management in not promoting A. P. Rajamouli as Electrician Category IV under the trade test held on 8th and 10th July, 1990 is not justified. The point is thus decided in favour of the Petitioner Union and against the Respondent—Management.

11. POINT (2) This point relates to the relief to be granted to the workman A. P. Rajmouli. In view of my finding on Point (1) that the action of

the Management in not promoting A. P. Rajamouli as Electrician Category IV is not justified, the workman A. P. Rajamouli is entitled for promotion as Electrician Category IV w.e.f. 1-8-1990 and he should be placed above G. Tulasi Bangaram, Tyndal who has been promoted as Electrician Category IV under office order dated 1-8-1990. The workman A. P. Rajamouli is also entitled for his seniority, arrears of back wages and other attendant benefits.

12. In the result, Award is passed stating that the action of the Management of M/s. Singareni Collieries Company Limited, Mandamarri in not promoting Sri A. P. Rajamouli, Non-ITI Tradesman Helper Category II to the post of Electrical Category IV is not justified and that the workman A. P. Rajamouli is entitled for promotion to Electrician Category IV w.e.f. 1-8-1990 and he should be placed above G. Tulasi Bangaram, Tyndal who has been promoted as Electrician Category IV w.e.f. 1-8-1990 and that the workman A. P. Rajamouli is entitled for his seniority as Electrician Category IV w.e.f. 1-8-1990 and he is also entitled for arrears of back wages and other attendant benefits. The Respondent—Management is directed to pay the arrears of back wages within six months from the date of the publication of this Award failing which the Respondent—Management is liable to pay interest at 12 per cent per annum on the said arrears of back wages. The parties are directed to bear their costs.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 11th day of October, 1995.

A. HANUMANTHU, Industrial Tribunal-I

Appendix to Evidence

Witnesses Examined for
the Petitioner-Union.

W.W.-A. P. Rajamouli.

Witnesses Examined for

the Respondent-Management.

M.W1.-B. I. Vijaya Kumar.

Documents marked for the Petitioner-Union :

Ex. W1 . . .—Xerox copy of the Settlement dated 12-3-1990.

Ex. W2 10-11-1991.—Letter of the Union to the Respondent regarding the discussion for the promotion of A. P. Rajamouli, Electrical Helper as a Electrician in K.K.2 Incline.

Documents marked for the Respondent-Management

Ex. M1 . . .—List of candidates who appeared for the written test/practical test orders held on 8th, 9th and 10th July, 1990 for selection of the post of Electrician Cat. IV.

Ex. M2 1-8-1990.—Office order giving promotion to the selected candidates in Ex. M1.

Ex. M3 — —Minutes of the Committee selection of Helpers Cat. II for promotion to Cat. IV.

Ex. M4 7-7-1990.—Intimation regarding the trade test given to S. Venkatesham and others.

नई दिल्ली, 8 दिसम्बर, 1995

का. प्र. 3419.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार को 6-12-95 को प्राप्त हुआ था।

[सं. एल-19012/134/86-डी-IV(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 8th December, 1995

S.O. 3419.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of E.C. Ltd. and their workmen, which was received by the Central Government on the 6-12-95.

[No. L-19012/134/86-D-IV(B)]

RAJA LAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT TRIBUNAL AT CALCUTTA

Reference No. 91 of 1988

PARTIES :

Employers in relation to the management of Sodepur 9/10 Pits Colliery of M/s. Eastern Coalfields Limited.

AND

Their Workmen

PRESENT :

Mr. Justice K. C. Jagadeb Roy, Presiding Officer.

APPEARANCE :

On behalf of Management : Mr. P. Banerjee, Advocate with Mr. A. K. Mondal, Senior Personnel Officer and Mr. P. P. Mahata, Personnel Manager.

On behalf of Workmen : None.

STATE : West Bengal. INDUSTRY Coal.

AWARD

By Order No. L-19012/134/86-D. IV(B) dated 15th June, 1987 the Central Government in exercise of its powers under section 10(1)(d) and sub-section (2A) thereof of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Sodepur 9/10 Pits Colliery of M/s. E.C. Ltd., P.O. Sunderchak, Distt. Burdwan in superannuating Sri Raghubir Harijan, Haulage Khulasi w.e.f. 27-8-85 is justified? If not, to what relief the workman concerned is entitled?"

2. This is a reference case of the year 1988. Management had been represented by Mr. Banerjee, learned counsel and two of their officers. Workmen though had filed their written statement did not file letter of authority in favour of any body.

3. It was the workmen who had to begin their case by leading evidence. The workman concerned appeared before this Tribunal on 18-1-1995 and said that he confined his claim to gratuity only and the case was adjourned as Mr. Banerjee, learned counsel for the management stated that the management would pay the gratuity and undertook to file a memo to that effect. The workmen never appeared thereafter since 23-2-1995 even though there were several adjournments given for his appearance.

4. A memo is filed under the signature of Mr. Banerjee, learned counsel for the management on 16-11-1995 stating that the gratuity amount of Rs. 19461 has already been paid to the workman by Cheque No. OB19/400-822423 dated 25-2-1995 drawn on the State Bank of India, Asansol and a xerox copy of the letter of acknowledgement of the said amount stated to have been signed by the workman is also filed alongwith the memo. It is stated in the said memo that the workman had already intimated in his letter of acknowledgement that he has no further grievance regarding his date of birth and he did not desire to proceed further with the dispute.

5. Mr. Banerjee, learned counsel on behalf of the management accordingly state that since the workman has not chosen to appear since 23-2-1995 to prove his case and having been satisfied after receiving the gratuity on 25-2-1995 had written to the Agent of the Coliery that he had no further dispute to proceed with, a "No Dispute" need be passed.

6. Since no Award can be passed without any materials on record and I find the bonafides in the statement of the management that the workman does not want to proceed with his claim any further, I pass a "No Dispute" Award in this reference case.

The reference case is disposed of accordingly.

Dated, Calcutta,

The 21st November, 1995

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 12 दिसम्बर, 1995

का.अ. 3420.—केन्द्रीय सरकार ने यह संसाधन हो जाने कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के उपबन्ध के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.अ. 2090 दिनांक 10 जुलाई, 1995 द्वारा लौह अयस्क रेल उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10 जुलाई 1995 से छः मास की कालावधि के लिए लोक उपयोग सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10 जनवरी, 1996 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/12/85-डी-1(A)]

एस. वेणुगोपालन, अवसर सचिव

New Delhi, the 12th December, 1995

S.O. 3420.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 2090 dated 10th July, 1995, the iron ore mining industry to be public utility service for the purposes of the said Act, for a period of six months, from the 10th July, 1995.

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 10th January, 1996.

[No. S-11017/12/85-D.I(A)]

S. VENUGOPALAN, Under Secretary